



STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION
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MINUTES

March 12, 2010

10:00 a.m. to Noon (*NOTE delayed start!*)

**Holiday Inn Hotel
17338 International Blvd.
SeaTac, Washington**

Members Present

Chair, Dave Boerner
Vice-Chair Hon. Ellen Fair
Dan Satterberg
Eldon Vail
Lynne DeLano
Lucy Isaki
Lenell Nussbaum (via designee Mike Kawamura)
Mary Ellen Stone
Hon. Stephen Warning
Ida Ballasiotes
Michael Kawamura
Sheriff Paul Pastor
Tim Killian
John Clayton
Senator Adam Kline
Senator Pam Roach (via designee Cheryl Marshall)

Members Absent

Lynda Ring-Erickson
Russ Hauge
Rep. Kirk Pearson
Rep. Sherry Appleton
Hon. John Meyer
Edward "Ned" Delmore
Hon. Dean Lum
Cities Representative (vacant)

Staff Present

Jean Soliz-Conklin
Shannon Hinchcliffe
Andi May
Jennifer Jones

Others:

Beth Colgan, Columbia Legal Services; Candice Bock, Association of Washington Cities; Ginger Richards, Washington Federation of State Employees; Hon. Kathleen O'Connor, Spokane County Superior Court Judge; Mike West, King County Adult & Juvenile Detention; Peggy Smith, Indeterminate Sentencing Review Board; Roxanne Lieb, Washington State Institute for Public Policy; Scott Blonien, Department of Corrections; Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Steve Aos, Washington State Institute for Public Policy.

I. CALL TO ORDER - DISCUSSION

Dave Boerner, Chair, called the meeting to order at 10:05. He announced that a quorum was established and that there were two designees for the meeting. Lenell Nussbaum has designated Mike Kawamura as her representative and Senator Roach designated Cheryl Marshall as her representative. Both previously submitted these requests in writing to the Chair and SGC staff.

II. APPROVAL OF MINUTES – ACTION

The Commission is asked to approve the minutes from March 13, 2009.

MOTION# 10-5 APPROVAL OF MARCH 13, 2009 MINUTES

Moved: Hon. Ellen J. Fair

Second: Dan Satterberg

Approve: UNANIMOUS

III. EXECUTIVE DIRECTOR’S REPORT- DISCUSSION

- A. Audit of SGC: Disbursements and Compliance with the Open Public Meetings Act.** Referred to Handout “*Washington State Auditor’s Office Accountability Audit Report, Sentencing Guidelines Commission, Report No. 1003146.*”
- B. 2011 Budget** – Ms. Soliz-Conklin discussed the budgetary concerns which are affecting the SGC including SSB 6849, and the current state of the legislature. The legislature adjourned yesterday and will return next week. Senator Kline gave a snapshot of the status of the legislature at this time.
- C. 2010 Calendar** - We also need to cutback our meetings due to the budget. There was a suggestion to plan on skipping the April and August meetings. Members were in general agreement with this unless a critical issue arises.

IV. INTERSTATE COMPACT- ACTION

Referred to Handout “*Recommended ICOAS Rule Amendments*”

Secretary Vail spoke on the status of DOC on this issue and asked the Commission to address two major issues regarding the Compact.

Members discussed what the infrastructure is for decision-making regarding the Compact in the Commission. Members reviewed statutory duties regarding the SGC and the Interstate Compact. Guest Scott Blonien from DOC discussed the challenges of trying to get rule changes at the ICOAS. There is a common consensus among many organizations about these rule changes, however there are some other considerations.

He explained the ICOAS structure which includes a committee, an executive committee and several other committees, the chairs of which sit on the executive committee. Several national associations have seats at the executive committee but many of them are ad-hoc non-voting members. The next meeting is in October 2010.

Referred to handout “*Memorandum of Understanding Between Washington State Department of Corrections and The XXX State Department of Corrections.*”

The second part of DOC's discussions is that the Crime Control Act encourages cooperation between states and agreements between states. We (Washington State DOC) have been discussing these possibilities with Oregon and California who have had their own issues with the current Compact. Members discussed the possibility of proceeding pro-actively with states by sending more information between states. Secretary Vail responded that it was a good idea and they are contemplating many such ideas.

Ms. Soliz-Conklin referred to "*Memorandum of Supporting Rule Changes to the Interstate Compact.*" Chair Boerner explained that Lin Miller was appointed to both duties of Commissioner and Compact Administrator.

Point of Order called by Mr. Killian. Mr. Killian who has the authority to make the determination regarding Commissioner and Compact Administrator. Chair Boerner discussed reviewing the statute which was provided and referring to the memorandum and its discussion.

Motion adopting the proposed resolution (as stated in the memorandum to Commissioners)

BE IT RESOLVED BY THE WASHINGTON STATE SENTENCING GUIDELINES COMMISSION:

WHEREAS, The Washington State Sentencing Guidelines Commission is the state council for interstate adult offender supervision in accordance with RCW 9.94A.745; and

WHEREAS, Washington State is a member of the Interstate Compact Commission in accordance with Title 4, United States Code, Section 112; and

WHEREAS, the purpose of the Interstate Compact is to provides for states to engage in a "cooperative effort and mutual assistance in the prevention of crime"; and

WHEREAS, Washington State citizens have suffered the tragic consequences of incidents when the Interstate rules have not resulted in the cooperative prevention of crime.

BE IT RESOLVED, THAT, The Sentencing Guidelines Commission supports Washington State's Rulemaking request to improve Interstate Compact rules to further the purposes of the act.

The Commission supports rules to improve public safety by:

- a) requiring ending states to create a record of criminal history, mental health evaluations and other information that will fully inform the receiving state before a decision is made to accept the offender;
- b) requiring a sending state take back an offender if the receiving state determines they can no longer safely supervise the offender;
- c) allowing receiving state to issue warrants related to holding and returning an offender to the sending state;
- d) requiring sending states to take back offenders who have absconded; and
- e) requesting or supporting additional rules proposed by Washington State's Interstate Compact Commissioner, who in his/her discretion seeks to further either the public safety or the efficient operations of the Interstate Compact.

MOTION # 10-6

Moved: Judge Warning

Second: Dan Satterberg

Sen. Kline raised a point of order/information revisiting the question of whether the Commission has statutory authority to make the appointments. Ms. Soliz Conklin and Chair Boerner responded that we do and referred to the statutes included in the packet distributed today. There was some discussion between members about the motion/resolution.

MOTION # 10-7 TO APPOINT SCOTT BLONIEN, DOC TO BE THE COMMISSIONER.

Moved: Dan Satterberg

Second: Lynne DeLano

Friendly amendment - Judge Warning asked whether or not it would not make sense to

Ms, Isaki, raised discussion of the statutory authority of the Compact Administrator and whether the SGC can appoint a designee or specific employee.

We can appoint one of our members or an employee of the department (according to statute), so we would move

Discussion was to reflect the motion as taking proper statutory action as to refer Mr. Blonien as taking the position of Commissioner.

Final Motion:

Pursuant to SGC's authority under chapter 9.94A RCW to designate a employee of the department as designated by Eldon Vail the Secretary of DOC; the SGC ratifies the decision to designate Scott Blonien specifically to function as Washington State's Compact Commissioner.

MOTION # 10-8

Moved: Lynne DeLano

Second: Lucy Isaki

Recommendation passed: Unanimously

BREAK

V. LEGISLATIVE REPORT- ACTION

Ms. Soliz-Conklin referred to the Senate budget bill and discussed the evidence based community custody proviso and potentially suspending or delaying any mandatory reports that we may make. Currently, the budgets have a direction to cut meetings for both the SGC and SOPB. However, the SGC received a new legislative assignment in providing an assessment about the effectiveness of requiring offenders who violate any conditions of their community custody to serve a mandatory minimum of 48 hours in total confinement. Mr. Aos explained that the assignment is similar to a program which is out of the state of Hawaii.

Legislature did approve the bail study group. Senator Kline discussed the specific considerations for the legislation which proposed the bail study group and answered questions.

Ms. Soliz-Conklin referred members to their packets for review of some of the legislation which was passed and members had a brief discussion.

VI. COMMISSION PRIORITIES

Ms. Soliz-Conklin is invited The Commission to discuss its priorities to decide if there are subjects that should be explored during the interim and what staff can work on to support those efforts.

There was discussion about the Evidence Based Community Custody proviso and update on the committee’s work and current focus.

Members discussed the usage of residential DOSAs which seem to be a viable alternative that is under-utilized because of the 24 month limit. Many folks are excluded by the 24 month max, should we discuss changing it to a 25 month max. Sec. Vail said that DOC is on track to filling the beds as the policy stands.

Analyzing 5288 requirements as provided for in the bill.

VII. ADJOURNED at 11:57 a.m.

VIII. LUNCH

Commissioners may continue their conversation during lunch.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner, Chair Date

Jean Soliz-Conklin, Executive Director Date