



STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION
PO Box 40927 • Olympia, Washington 98504-0927
(360)407-1050 • FAX (360) 407-1043

MINUTES
Friday, June 11, 2010
9:00 a.m. to 12 p.m.
The Holiday Inn Hotel
17338 Int'l Blvd.
SeaTac, WA

Members Present

Dave Boerner
Hon. Dean Lum
Anmarie Aylward for Eldon Vail
Hon. Ellen Fair
Lucy Isaki
Lynda Ring Erickson
Lynne DeLano
Sheriff Paul Pastor
Hon. Stephen Warning

Members Absent

Sen. Adam Kline
Ida Ballasiotes
John Clayton
Hon. John Meyer
Lenell Nussbaum
Mary Ellen Stone
Michael Kawamura
Ned Delmore
Sen. Pam Roach
Russ Hauge
Rep. Sherry Appleton
Tim Killian
AWC Representative

Staff Present

Shoshana Kehoe-Ehlers
Andi May
Duc Luu
Keri-Anne Jetzer

Others Present

Cody Eccles, Senate Staff; Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Gary Bohon, Department of Corrections; Brian Enslow, Washington State Association of Counties; Julianan Roe, Senate Judiciary.

I. Call to Order

Commission Chairman Dave Boerner called the meeting to order at 9:11 a.m.

There was not a quorum.

II. Approval of Minutes

Approval of May 14, 2010 Minutes deferred to the next meeting because there no quorum.

III. Residential DOSAS

The Commission continued its discussion about whether the eligibility requirements for a residential DOSA sentence should be modified. Commissioner and Cowlitz County Superior Court Judge Stephen Warning lead the discussion. SGC Research Investigator Keri Jetzer presented the staff analysis regarding expanding eligibility. (See attachments.)

Dave Boerner expressed surprised that it costs more to expand eligibility. Keri explained that more property crime offenders would be placed on supervision, and that DOC calculates a marginal cost only until a certain economy of scale impact is reached. When a proposal saves 256 beds, then DOC can calculate a savings

Judge Warning mentioned a recent WSIPP update on Residential DOSAs showing a monetary benefit resulting from the use of Residential DOSAs for property or drug crimes. Judge Warning theorized about broadening eligibility/ranges for those before the court on drug offenses only. The members discussed the fact that the statute changes would have to be more extensive it differently than just changing the midpoint.

Discussions ensued about how counties have different drug court eligibility criteria, and concern about not wanting to diminish the drug court offender's motivation to succeed. Dan Satterberg said his understanding is that those charged with property crimes get DOSAs, where as drug offenders are more likely to get drug court sentences in King County.

Commissioner Lynda Ring Erickson noted that some counties don't have drug court. Staff explained that 19 counties have drug courts, but there are some multi-county agreements.

Dave raised a point about how different counties judges may be responding to local information about what program will be more successful for a particular offender based on that county's program.

Ms. Jetzer was asked to break down the data regarding use of Residential DOSA's by county and agreed to bring it to the next meeting.

II. Approval of Minutes (revisited agenda item)

NOTE: Judge Fair arrived at 9:34 a.m., and a quorum was constituted.

MOTION # 10-6 TO APPROVE THE MAY 14, 2010 MINUTES

Moved: Lynda Ring Erickson

Seconded: Lynn DeLano

Passed: Unanimously

IV. Legislative Assignment

Commissioners reviewed a memo from Executive Director Jean Soliz-Conklin which explains that the SGC is directed in a budget proviso to conduct a survey and a literature review related to whether the practice of using a mandatory minimum confinement for violation of community custody conditions is an evidence-based practice. SGC Research Investigator Keri Jetzer presented an approach to the “violator study” for feedback from the Commission.

Gubernatorial Policy Analyst John Lane gave some background, explaining that this on this; this is an offshoot of Clemmons case. Hawaii saw an offset with a swift justice (immediate jail time) approach. Their offender population is much smaller. The HOPE Program is mostly used for drug offenders. Ms. Jetzer said that Hawaii is reporting a huge reduction in recidivism but she has not learned et about causality, ie. if the recidivism reductions relate to the supporting programs, as opposed to just the swift jail time. There was discussion about the likelihood that success is less about how length of jail but rather immediacy of sanctions, similar to DC model.

California now has a similar model called COPE. The members asked for information about the HOPE Program.

V. Executive Director Hiring Process

Members reviewed Jean’s memo. Dave explained the reasoning behind it. Whoever fills the position should have some experience/comfort with the database. Several members stated that they would like the full Commission to interview these candidates. Dave said that will change that aspect of the proposed process. He reiterated that he would like to see a candidate with legislative skills.

VI. Adjournment

Chair Boerner adjourned the meeting at 9:59 a.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner, Chair

Date

Jean Soliz-Conklin, Executive Director

Date