

----- Agenda -----

Meeting Objectives:

- Develop work group purpose statement
- Sort issues and organize according to Corrections perspectives
- Summarize work of the group
- Define next steps and decide meeting frequency

How can I prepare for this meeting?

Please **think about** these sentencing issue topics relevant to you as an individual or your agency/organization. Be prepared to discuss during a group exercise. **Topics:** Grids, Diversion, Enhancements, Purposes and Policies, Jurisdictional Consistency, Judicial Discretion, Information to Judges Pre-Sentencing, Post-Conviction Review, Reentry, Legal Financial Obligations, Risk Needs Responsivity (RNR), and incorporating what we know about brain development in adults and adolescents.

Agenda Items	Presenter / Lead	Time Estimate	Action
Welcome	Steve Sinclair, Secretary <i>Department of Corrections (DOC)</i>	1:00 - 1:10	
Introductions	Alex MacBain, Executive Policy Director, DOC	1:10 - 1:20	
Review Meeting Objectives Develop Work Group Purpose Statement	Annie Severson, DOC Senior Project Management Specialist	1:20 – 1:45	
Review list of topics from SGC Chair Letter	Annie Severson	1:45 – 2:00	
Group Exercise: Determining priority topics	Annie Severson	2:00 – 3:00	
Debrief	Annie Severson	3:00 – 3:30	
Summarize Meeting Outcomes Create next steps and close meeting	Annie Severson Alex MacBain	3:30-4:00	

Meeting Notes:

Attendees

- Gina Adams, DOC Advanced Corrections
- Jennifer Albright, SGC Member
- Dianne Ashlock, DOC Statewide Records Director
- Rob Herzog, DOC Assistant Secretary for Prisons
- Keri-Anne Jetzer, Staff for SGC
- Tim Lang, Senior Assistant Attorney General
- Alex MacBain, DOC Director of Executive Policy Office
- Julie Martin, DOC Assistant Secretary for Administrative Services
- Mac Pevey, DOC Assistant Secretary for Community Corrections
- Devon Schrum, DOC Assistant Secretary for Reentry
- Kevin Bovenkamp, DOC Assistant Secretary for Health Services
- Annie Severson, DOC Senior Project Management Specialist (*Facilitator*)
- Steve Sinclair, DOC Secretary
- Clela Steelhammer, DOC Executive Policy Office
- Wendy Stigall, DOC Records Unit
- Axle Swanson, representing Julianna Roe, WA State Association of Counties
- Ed Vukich, Caseload Forecast Council Staff
- Keri Waterland, DOC Assistant Secretary for Offender Change
- Tim Wettack, SGC Member

Executive Summary

The work group began the meeting with discussions about the role and importance of the “Corrections” work group. Due to the diverse constituencies represented by the participants and invitees, the work group discussed the importance of considering the perspectives of all the participants. Ongoing communication between participants and their constituencies on the issues around sentencing reform was encouraged.

The work group agreed on a Purpose Statement: *The purpose of this work group is to consider issues of sentencing reform for the Sentencing Guidelines Commission so they can integrate the Corrections perspective into their broader discussions”.*

The work group reviewed each of the ten topic areas outlined in Chairman Hauge’s memo and decided that recent development in the areas of brain development and the RNR principle would be aspects to consider when exploring each of the ten topic areas.

The work group participated in an exercise designed to determine the priorities of the group for the ten topic areas, from the Corrections perspective, in order to assist with identifying the topics that had the most importance to the work group. These topics would be the initial areas the group would focus efforts towards.

The highest priority were:

- Post-conviction Review
- Reentry
- Enhancements

Each of the ten areas will be explored more fully in future meetings and additional topic areas raised by work group participants would also be discussed.

Welcome

Secretary of the Department of Corrections, Steve Sinclair, welcomed the group and expressed the importance of the Corrections work group to represent this perspective. He stressed the importance of having participants actively engage with their constituencies to ensure that discussions in the work group were informed and meaningful.

Introductions

Alex MacBain, Executive Policy Office Director-Department of Corrections, provided the SGC memo for attendees. He highlighted the topic areas for the work group discussion and fielded some questions about the work group.

The group then adopted a purpose statement to help define the scope of the work group activities.

Purpose statement: ***“The purpose of this work group is to consider issues of sentencing reform for the Sentencing Guidelines Commission so they can integrate the Corrections perspective into their broader discussions.”***

Exercise

The exercise facilitated for the group involved the following approach:

1. Rate each topic area in terms of “Satisfaction” and “Importance”. Satisfaction criteria included how satisfied stakeholders are with the current processes or practices associated with the topic area. Importance, reflected how critical the topic area is for stakeholders to complete their work and accomplish goals in their areas of responsibility. This part of the exercise provided a high-level visual of current thoughts or “gut reactions” to each of the topic areas.
2. The group then indicated positive aspects of the current state within a given topic area as they experience them now. They also indicated areas of opportunity. All input was reviewed aloud by the facilitator, time for short discussion was allowed, questions answered then the group moved to the next topic.
3. Once all topics were discussed, each participant placed voting dots next to their top four topic areas.

Next Steps

The results of this work group will be shared at July’s Sentencing Guidelines Commission meeting.

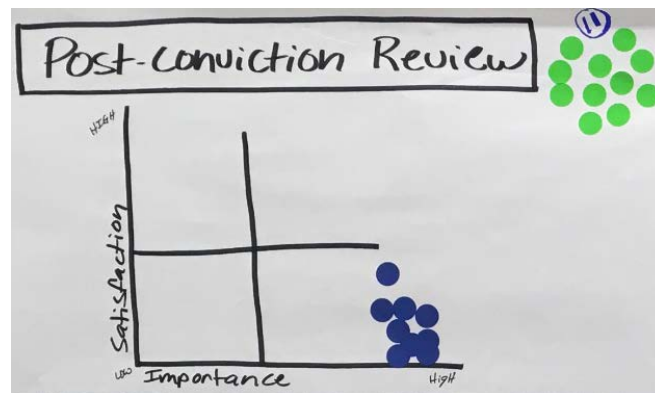
- Two more meetings are anticipated to drill down on each priority topic
- Attendees will identify other stakeholders to invite to the next meeting and provide to DOC Executive Policy Office

Outcomes of Sorting Exercise

The following pages highlight the results from the sorting exercise.

Post-conviction Review

11 votes



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- Allows people to demonstrate growth
- Offers hope
- It is a great idea!
- This would help identify inconsistent sentences across the state
- Great idea for those who are either aging out or have decided to make positive changes in their lives, especially for 3 strike offenders
- Cost saving to the Department and gives individuals something to work towards
- Concept is worthwhile to consider
- Provide an opportunity to consider the individuals progress for review at their release
- Review would provide a tool for DOC to manage the population
- Frequent reviews during the period of confinement
- Balances public safety against rehabilitation and risk

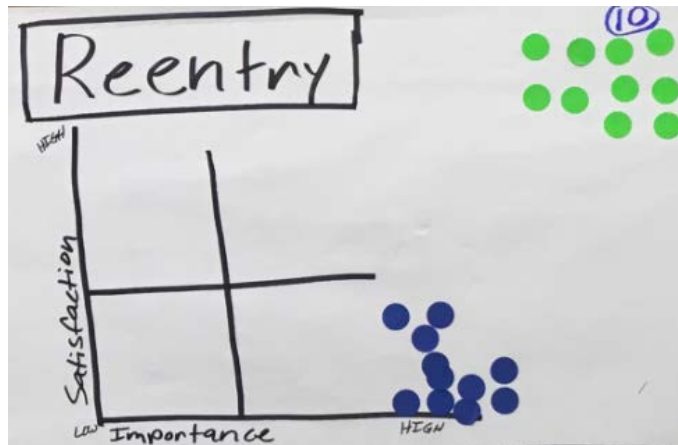
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- Resources to prepare for review and consideration of review
- This doesn't exist formally but concepts are hard to bring to fruition
- Some convicted persons should be excluded (based on crime and or criminal history)
- Has potential to be politicized
- No review for life without parole sentences
- Current lack of such an option

Analysis: This topic was clearly a subject area of high importance to the work group and one that was rated as generally low on the satisfaction scale. Discussions revealed that low satisfaction generally related to the lack of options that currently exist today for post-conviction review.

Reentry

10 votes



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- Should or could be factored into sentencing
- Coordinated systems and continuity of care reduce recidivism
- Necessary tool for DOC
- Excellent models available for adoption
- Starting Reentry at intake (the sooner the better)
- Look at how we spend dollars: penalty vs. support
- Great concept: DOC has made great strides in this area and hopefully it will show up in their recidivism rates
- Additional Risk, Needs, Responsivity principles added to supervision
- Reentry planning critical to success
- Involved communities
- Good for children impacted by incarceration
- This is where our focus should be!

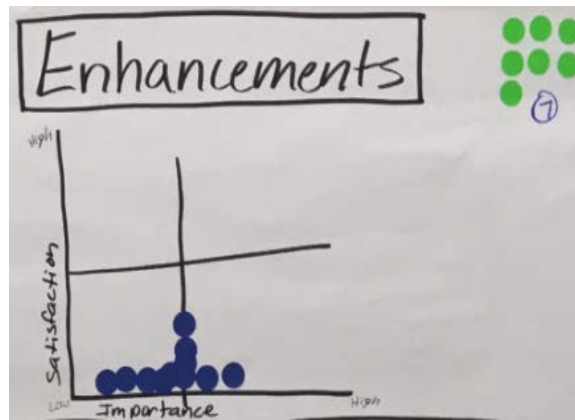
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- Better reentry assistance has been discussed forever, but nothing ever happens
- Certain populations cannot legally benefit from reentry services
- Current SRA does not take into account existing protective factors
- Supervision based on offense
- Not funded at a level where everyone gets services
- Need more community based resources
- All counties are not created equal in terms of resources
- Need more resources: staff, community resources, community partners
- County of origin does not work
- Need significant evidence to sway the “lock them up” stakeholders
- Often seen as a DOC problem: DOC can’t do it all
- Lacks resources
- Needs more resources and emphasis

Analysis: This topic was assessed as high importance by the work group. Current satisfaction was generally as low. Some of the discussion surrounded RNR, the lack of resources within the criminal justice system and in communities, and need for greater emphasis.

Enhancements

7 votes



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- Can be a necessary hammer
- Attempts to serve as a deterrence
- Makes society “feel” better
- Adjusts sentences for extenuating circumstances
- Accountability for serious behaviors
- Responsive to the theme at the moment
- Increases punishment for crimes

(-)

- Too many different enhancements. Some get good time, others don't. Some are concurrent, some are consecutive. Some are included in the base.
- Much too complex. Too many layers. Changes are also date driven and affected by court decisions. Once again, too complex!
- Enhancements are mandatory-do not allow for courts discretion
- Inconsistent rules regarding different enhancements i.e. earned time allowed or not
- Makes society “feel” better
- Does not deter related crimes
- Too many!
- No discretion
- Added complexity
- Research based deterrence?
- Punishment for the sake of punishment
- Not enough judicial discretion
- Enhancements ineffective way to deal with “real” sentencing
- Not consistently used
- Change the sentence grid
- Be consistent with good time or no good time
- Equity issues (enhancement length vs. underlying offense)
- Does running enhancements consecutive make sense again, it a “feel good” or true deterrence?
- Greatly increases complexity in administrative sentences
- Legislature makes too many changes every year

Analysis: The work group rated this topic as low-medium importance and as low satisfaction during the first part of the exercise to but this topic had 3rd most votes when prioritizing which topic to focus on first.

Diversion

5 votes



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- Gives sentencing options for potential impact
- Allows for mitigating factor to be taken into account
- They may actually work!
- Decrease in incarceration rates
- Juvenile diversion is widely used to keep youth out of the system
- May impact 1st time significantly
- Alternatives can be Risk/Need/Responsivity appropriate
- Provides for better outcomes/harm reduction
- Preserves: family, housing, employment, support systems
- Reduce incarcerations, improve treatment with reduced recidivism
- Provide incentive for change in behavior
- Great opportunities for offenders if they follow the rules
- Diversion supports the principle of human worth

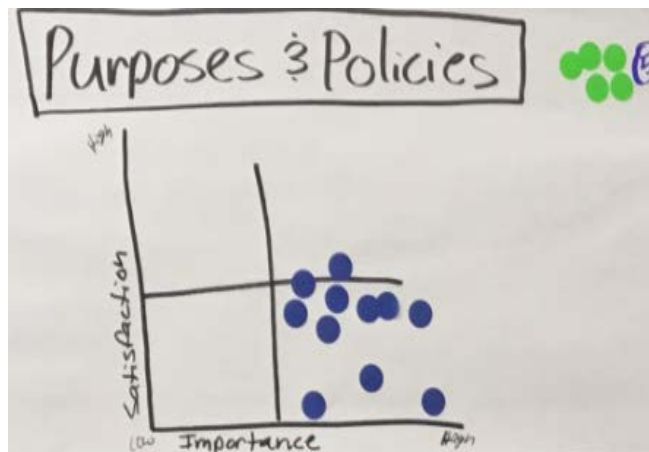
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- Not enough diversion options (Mental Health, Veterans, etc.)
- Need a mental health option
- Diversion options not applied consistently across Washington State
- Use of DOSA when not appropriate
- Alternatives are not widely or consistently used from jurisdiction to jurisdiction
- Need more adult Diversion opportunities along the juvenile model
- Not enough alternatives
- Individuals can receive multiple alternative: no clear or research driven structure/criteria
- Are they effective/evidence based?
- Add complexity and lead to calculation errors
- Calculating sentences or revoked alternative sentences is too complicated
- Lack of training for sentence alternatives leads to inconsistent application
- Do we know how effective each diversion is in regards to re-offense
- Lack of understanding of sentence
- Data to show “they” work
- Who should revoke or reclassify when not successful

Analysis: After discussion, the work group agreed that “diversion” would include all pre and post sentencing alternatives to confinement. This topic was generally an area of high importance to the work group, but one that was of mixed satisfaction.

Purpose and Policies (SGC)

5 votes



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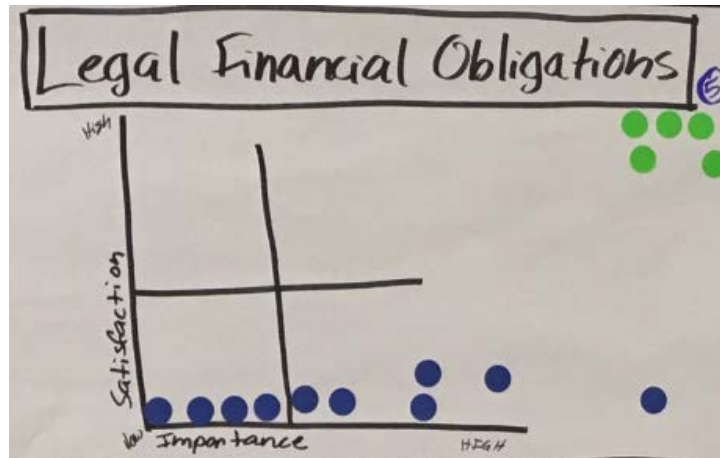
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- Attempts to create a fair system
 - Initial reform brought a unified system
 - Creates and equitable and consistent sentencing system
 - Respects victims while suggesting sentencing
 - Should be fair and support a reduction in re-offense
 - Purposes are logical
 - Better than no sentencing guidelines
- Purpose is too broad and incongruent to be meaningful
 - Purpose is not currently supported by Legislative action
 - Too many work-arounds cause great disconnect from stated purpose
 - Use of the word offender
 - Needs to speak to Risk/Needs/Responsivity principles
 - Serious drift from original purpose
 - Each revision of the SRA appears to fail to incorporate each purpose (more reactive)
 - The methods for achieving those purposes are arrived at illogically by the legislature
 - Original intent of "truth in sentencing" is a great idea. However, courts seem to get around that by using exceptional sentences.
 - Still see offenders coming in with similar crimes and criminal history who have huge discrepancies
 - Not enough consideration of mental health and substance abuse issues in sentencing
 - Evidence/data must be used
 - Too many goals - diminishes importance of those deemed most important (whatever they are)
 - Inconsistency in sentences for similar/same offense
 - Lack of an independent regular review of sentencing structure to ensure consistency with purpose
 - Written at political time - needs review and revisions
 - Public Safety should be in opening statement

Analysis: This topic was an area of medium to high importance and one that showed a low-medium satisfaction.

Legal Financial Obligations (LFOs)

5 votes



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- Important for victims
- Funds victim resources
- Restitution owed to victims is important
- Restitution helps restore victims
- LFOs help fund some programs
- Important for cost of crime to be shared by the perpetrator
- Benefits victims
- Promotes accountability

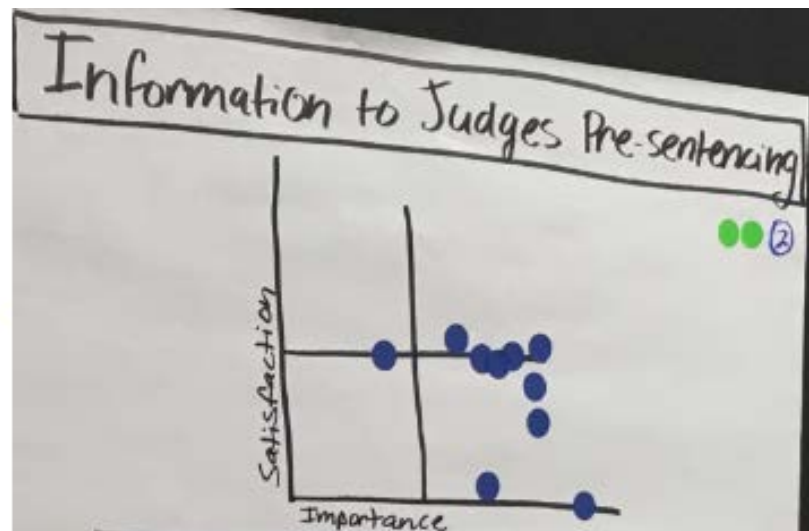
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- 12% compounded REALLY?
- Creates a “debtor’s prison” system
- More resources to attempt collect payment than actual payments are received
- Compounding interest during incarceration should be illegal!
- Interest is not reasonable
- Interest rates are too high. It seems we are setting the offenders up to fail by having them start reentry in debt and adding to that before they have the ability to pay.
- Unrealistic to repay
- Identify fines that are mandatory (restitution/crime victim)
- Why is DOC involved in the collection of legal financial obligations?
- Felons are charged for DNA on every sentencing but DNA is only processed once
- Negatively impacts the defendant’s focus on rehabilitation and positive change
- 2nd punishment to the sentence
- Outside of restitution, fines can be an additional barrier
- Unsure of purpose: punish, pay, suffer?

Analysis: This topic was one of mixed importance to the work group but one that was consistently rates as low satisfaction.

Information to Judges Pre-sentencing

2 votes



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- Helps to support better sentencing
- Helps in decision making when provided
- PSI pre-SRA were very thorough and well written
- Yes!
- Current state PSI help inform sex offender, mentally ill sentencing
- Help inform risk: Needs assessments
- Helps inform case management plan development

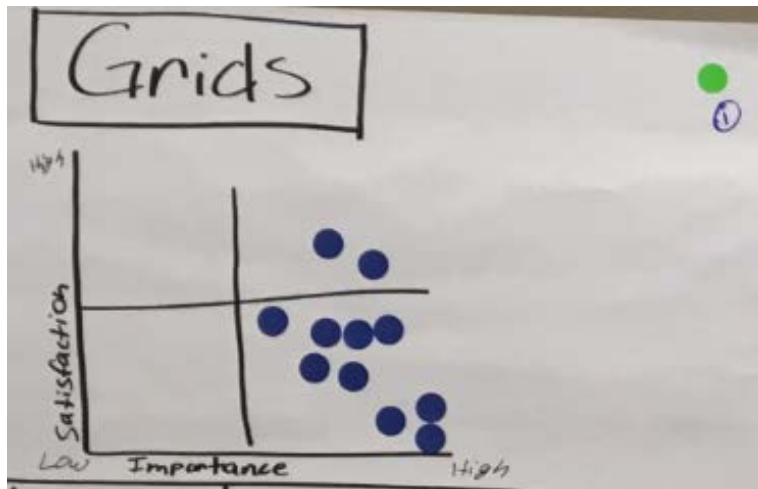
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- Why wouldn't we?
- Judges sentence with limited information which may result in unfair sentences
- Need uniform system to inform all (pretrial, pre-sentence, post-sentence)
- No way of knowing if judges are using correctly
- Limited except for sex offenders and when requested by court (not individual)
- Not funded
- Not requested consistently
- Absent a risk assessment, we make much less informed sentencing decisions
- Unsure if judges really use them

Analysis: This topic had less consistency within the work group than some of the other topics. Most members voted as medium importance and medium satisfaction.

Grids

1 vote



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- Easy to read and interpret
- Guidelines
- Attempts to create a fair or impartial system
- Predictability (caseload, budget)
- Determinate lengths serve as a deterrence
- Consistency
- Resource predictive
- Fairness
- Consistency in sentences across jurisdiction
- Rough equivalency in sentencing across defendants
- Easy to estimate ADP changes

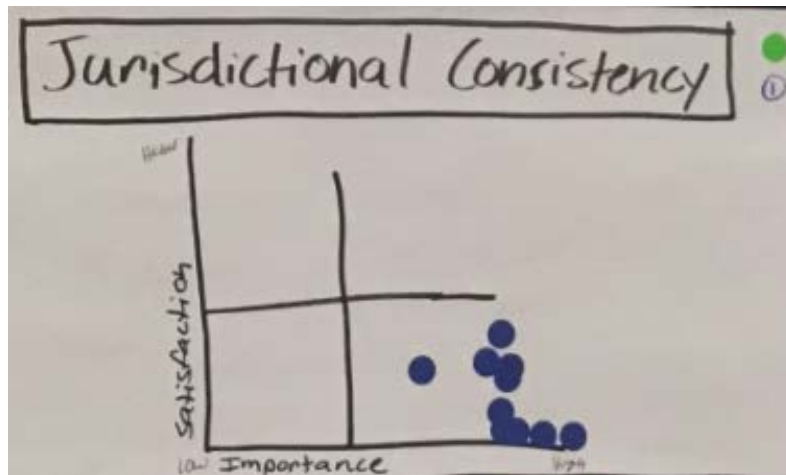
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- Length of sentences are subjective “feel good” not research or science based regarding rehabilitation
- Scoring options complex
- 75% rule of anticipated offenses adds complexity
- Scores >9 results in sentences similar when history is not
- Ability to read and interpret the grid
- Complexity without current data to show effectiveness
- Stat maximum can cause sentences to be similar when history is not (those that hit stat max at low scores)
- Calculating scores is complicated
- Calculating adult offender score
- Complicated scoring leads to errors
- Treats juveniles tried as adults the same as adults regardless of age/development
- No RNR basis
- Complicated scoring
- Legislature makes too many changes every year

Analysis: This topic had less consistency within the work group than some of the other topics. Most members voted as medium-high importance and low-medium satisfaction.

Jurisdictional Consistency

1 vote



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- Better than pre-SRA
- Important goal
- A good goal to have
- A good goal to have
- A good goal to have
- This is what we should be striving for

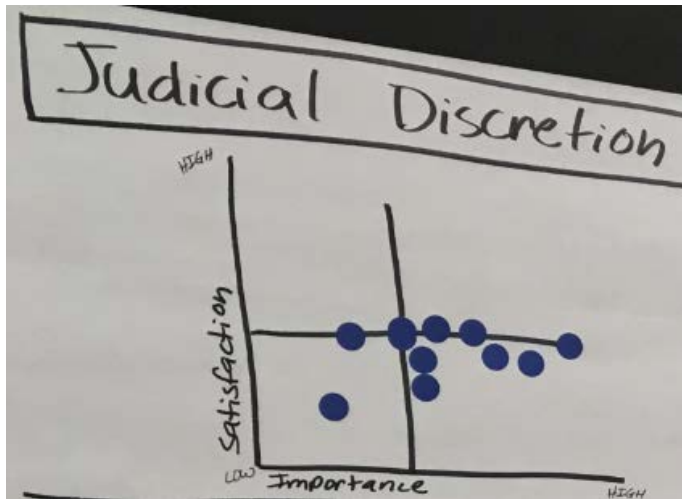
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- Judges sentence outside the law
- There is great variation in Washington
- Too much prosecutorial discretion
- Dependent on several factors (resources/community involvement)
- Some decisions are based on lack of resources in specific communities (need more community based resources)
- Jurisdictional affluence impacts consistency
- Too dependent on finances
- Fairness to individual
- Too many sentencing changes by the legislature
- No way to actually ensure consistency
- Political influence

Analysis Most members voted as high importance and low-medium satisfaction.

Judicial Discretion

0 votes



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- Good if evidence supports
- Must be equal for all
- Exceptional sentences
- The SRA kind of keeps Judges in check
- Allows for limited discretion
- Important when used judicially
- Okay within reason. If they go outside of the laws, should be well-documented
- Allows judge to take into account unique factors and avoid harsh/unjust results

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- Must be consistent
- Too much discretion results in loss of consistency
- Articulate the exceptional sentence
- Judges
- Elected Judges
- Political influence on elected officials
- Subjective
- Sometimes misused

Analysis Most members voted this topic as medium-high importance and medium satisfaction.

Parking Lot

- Deferred or Diversion for 1st conviction
- Judges set supervision term and condition at post-conviction review
- Add a box to J&S for judicial discretion so we would follow the J&S and not write to the court
- Spend consecutive dollar on programs

