

INDETERMINATE SENTENCE REVIEW BOARD  
BOARD MEETING  
SUMMARY MINUTES  
March 25, 2009

A regular meeting of the Indeterminate Sentence Review Board was held in the ISRB Office Building located at 4317 Sixth Avenue SE, Lacey, commencing at 1:30 p.m.

Present were: Board Members:	Staff:
Jeralita P. Costa, Chair	Margaret McKinney, Executive Director
Tom Sahlberg	R. Peggy Smith, Planning and Research Administrator
Betsy Hollingsworth	Ellen Hanegan-Cruse, Victim Liaison
Dennis Thaut	Robin Riley, Executive Assistant
	Mandy Hart, Administrative Assistant 2
Donna Mullen, A.A.G.	

- A. **Call to Order** – The meeting was called to order at 2:50 p.m.
- B. **Community Concern Meetings** – A Community Concern Meeting was held at 1:30 p.m. There were two additional Community Concern Meetings scheduled to be held telephonically. Ms. Hanegan-Cruse was unable to reach both parties.
- C. **Chairs Report**
1. **Legislative Update** – Ms. Costa provided an update on the following bills:
- **SHB 1263/PSSB 5190** - An Act relating to technical corrections to ensure accurate sentences for offenders – Both bills have gone through the Senate and House and 5190 has not gone through the House committee. The bill is currently in House Rules. No changes have been made by the House to PSSB5190 There is some language regarding Board conditions that was pulled out of another statute. The language states that if an offender objects to a condition that is placed on them, they have 24 hours to appeal to the Board.
  - **SB 5288** Reducing the categories of offenders supervised by the department of corrections. Revised for 1st Substitute: Reducing the categories of offenders supervised by the department of corrections. (REVISED FOR ENGROSSED: Changing provisions regarding supervision of offenders.) This bill is in the House where it has stopped. There were significant concerns raised by the Domestic Violence Coalition as this bill would not provide for supervision for domestic violence cases. The Governor introduced a similar bill which has not moved. ISRB offenders will still be supervised under the current language of SB5288. However, the bill may or may not go. We will need to keep an eye out for any alternative proposals.

- **SB 5207 / HB1281** – An Act relating to the rights of victims, survivors and witnesses of crimes to be heard before the indeterminate sentence review board and clemency and pardons board – The Senate version of the bill was held so the House bill could go through. This House bill passed out of the Senate Rules committee on March 23, 2009.
- **HB 1912** - Concerning facilities to house sexually violent predators. The sunset date has been extended to June 30, 2017.
- **HB 1349** - Renewing orders for less restrictive treatment. If a person is committed for involuntary inpatient treatment, more time can be added to hold in less restrict alternative
- **HB 1300** – Accessing mental health information. Information may be shared with law enforcement agencies when requested through the course of business.
- **SB 6104** – Addressing state agency hours of operations – This bill requires a minimum of 40 hours per week. However, each agency can set those open for business hours.

**SB 5252** – Addressing correctional facility policies regarding medication management. A final model will be presented to WASPC. The Board of Pharmacy will have no authority to regulate a facility if it does not contain a pharmacy. The goal is for WASPC to develop a model policy.

- **SB 5987** - Authorizing the Washington state department of corrections to develop training for corrections personnel instead of the Criminal Justice Training Commission. This bill is in the House.
- **SB 5438 - 2009-10/HB 1076** - Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release. This bill is going through.

2. **Sex Offender Policy Board (SOPB) Update** – Ms. Costa attended a full Board Meeting last week. The SOPB is going to start having quarterly meetings for the full Board beginning in May or June. The sub-committees meet so often; that the Board feels there is no need for monthly meetings. On March 24, 2009, Ms. Costa attended a Bench Marks Sub-Committee Meeting. The sub-committee is working on definitions and determining what should be measured. Ms. Costa noted that at the last SOPB Performance Measurement Meeting there was talk about putting more offenders under determinate plus sentencing.

Ms. Costa reported that Henry Richards, from the Special Commitment Center will be leaving his position in the next few months.

3. **Sentencing Guidelines Commission** - Ms. Hollingsworth reported on her attendance at the last SGC Meeting. Ms. Soliz-Conklin reported on a couple of bills at the meeting. One

would reduce sentences by 60 days for lower range offenders and one would provide voucher bills that would assist people with housing that are over their PERD.

Ms. Hollingsworth reported on a Power Point presentation by Duc Luu regarding adult sentencing trends. Over the last 20 years, the population has increased by 37 % and felonies have increased by 71 %. Part of the presentation was to explain how statistics have been maintained. Ms. Hollingsworth reported on the evidence based community custody planning committee which is trying to develop evidence based community custody. The group has just begun. The ISRB is not represented on the committee because it is focused on folks that do not go to prison. However, the results will also be applied to those being released from prison and our agency is not represented. Ms. Hollingsworth thinks someone from the Board should attend to make sure our caseload is represented or get on a mailing list to keep up with the progress of the group. Ms. Costa will speak with Ms. Soliz-Conklin about this committee. The meetings are the first Friday of the month and the first one will be in Olympia. Ms. Smith has contacted the committee and asked to attend. However, she will not be an official member of the committee. The committee is hoping to receive a grant from PEW to develop a national model. Ms. Costa also reported that the Sentencing Guidelines Commission will also receive updates on this committee. Dr. Erickson provided some analysis of the Power Point. The Power Point is on the SGC Website. There is also a SOPB tab on the SGC web-page.

Ms. Hollingsworth reported there were a couple of people from the Administrative Office of the Courts in attendance at the Sentencing Guidelines Commission Meeting. Ms. Hollingsworth spoke with Regina McDougal about the Board's interest in speaking to the Superior Court Judges at their next conference. The programs are put together so far ahead; the next possible time for presentation is next spring. A short proposal would be required regarding what our agency would like to present and why it would be of interest to the judges.

## **D. Executive Director's Report**

### **1. Notice**

Ms. McKinney reminded Board Members to file their personal/financial statements by April 15, 2009.

The Service Separation Policy is on Share Point for review.

### **2. Hearing Continuances to complete treatment**

Ms. McKinney asked the Board Members for clarification on whose authority a hearing can be continued pending completion of treatment. Discussion ensued.

**Solution:** The Hearings Examiner/Investigator should e-mail all Board Members asking for a continuance for completion of treatment. At least one Board Member will respond with his/her answer via e-mail. If there is a difference of opinion the

Board member's will resolve it and respond ASAP. The e-mail approval must be scanned into ISIS.

3. **Governor's Office Information** - Ms. McKinney reported that the Senate will come out with their budget and then the House within 24 hours. The legislature is talking about targeting specific cuts to agencies and then a blanket off-the-top percentage cut for all agencies. Ms. McKinney reported that mandatory furloughs requiring every employee to take one day off without pay a month is also being discussed. The legislature is also discussing eliminating cash out options for sick leave and VEBA, additional salary cuts for exempt employees and extending the current one year freeze. The Governor's budget is based on funding education issues. The legislature's budget is looking toward human resources. Mr. Thaut asked Ms. McKinney if there would be proposed percentage or target cuts. Ms. McKinney replied that both types of cuts were being considered. McKinney stated that when the budget comes out she will talk with the Board Members and work with the OFM Analyst.

E. **Old Business**

1. **CCB WACs**

Proposed New Chapter 381-90 WAC Procedures for Conducting Hearings for Determination of Release to Community Custody

The proposed WACs have gone through a public hearing. Ms. Costa reported that RCW 9.94A.712 will be RCW 9.94A.507 effective August 2009. Ms Riley will make changes in the proposed wording.

**ACTION 11-09:**

Mr. Sahlberg moved to adopt Proposed New Chapter 381-90 WAC with the RCW change. 2<sup>nd</sup> – Mr. Thaut.

*Decision:* Motion carried – 4-0

**ACTION 12-09:**

Mr. Thaut moved to adopt Proposed New Chapter 381-100 WAC with the RCW change. 2<sup>nd</sup> – Mr. Sahlberg.

Mr. Thaut asked why a graduated sanction is still listed in our WACs. Ms. Costa responded that language is also in the statute. Mr. Thaut suggested that the ISRB develop their own graduated sanction grid as the Department of Corrections does not have a sanction grid at this time. Ms. Costa forwarded a report to the other Board Members regarding a graduated sanction grid completed by Minnesota. Mr. Thaut will provide the Board with a graduated sanction grid draft.

*Decision:* Motion carried – 4-0

**2. Telecommuting Policy – Vote**

**ACTION 13-09:**

Mr. Thaut moved to approve the Telecommuting Policy. 2<sup>nd</sup> – Ms. Hollingsworth.

*Decision:* Motion carried – 4-0

**3. Outside Employment Policy – Vote**

**ACTION 14-09:**

Mr. Sahlberg moved to approve the Outside Employment Policy. 2<sup>nd</sup> – Ms. Hollingsworth

*Decision:* Motion carried – 4-0

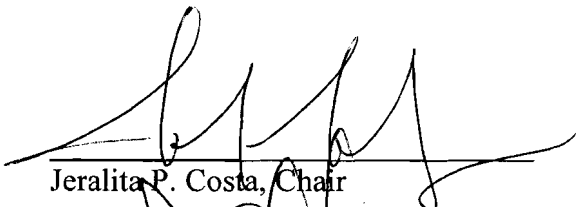
**F. New Business**


- 1. Discussion Static 99/Static 2002** – The Board discussed the Static 99/Static 2002 prior to the Board Meeting. Ken Taylor, Department of Corrections Director of Operations for Health Care Services will be coming to talk with the Board.

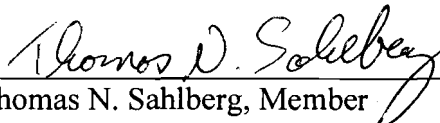
**G. AAG Report**

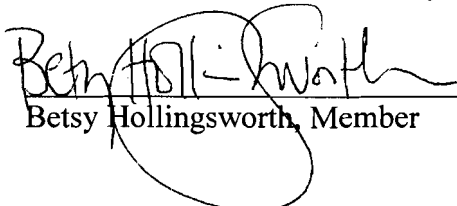
Ms. Mullen has nothing new to report. Ms. Mullen will be researching state and federal parole cases and presenting a summary on a quarterly basis.

**H. Adjourned – 4:00 p.m.**

  
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Jeralita P. Costa, Chair

  
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Dennis L. Thaut, Member

  
Thomas N. Sahlberg, Member

  
Betsy Hollingsworth, Member