

INDETERMINATE SENTENCE REVIEW BOARD  
BOARD MEETING  
SUMMARY MINUTES

Monday, July 13, 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 11:00 a.m.

Present were: Board Members:	Staff:
Jeralita P. Costa, Chair	Margaret McKinney, Executive Director
Dennis Thaut	R. Peggy Smith, Planning and Research Administrator
Tom Sahlberg	Ellen Hanegan-Cruse, Victim Liaison
Betsy Hollingsworth	Irene Seifert, Correctional Records Technician II
	Jody Swails, Correctional Records Technician I
Donna Mullen, AAG	Melissa Zuniga-Espinoza, Correctional Records Technician I
	Christine Hunter, Correctional Records Technician I

**A. Approval of Previous Minutes**

**ACTION 25-09:**

Mr. Sahlberg moved to adopt the minutes of the Board Meetings held June 8, 2009 and June 24, 2009. Ms. Hollingsworth – 2<sup>nd</sup>.

*Decision:* Motion carried 4-0 and approved.

**B. Calendars and Scheduling**

The Board and staff reviewed and amended calendars and schedules. The Correctional Records Technicians' new assignments will begin with the October dockets.

**C. Chair's Report**

- **Sentencing Guidelines Commission (SGC)** – Ms. Costa has a conflict for the SGC August 14<sup>th</sup> meeting. Mr. Sahlberg may attend this meeting in Ms. Costa's place.

Ms. Smith gave a brief report on the July 10, 2009 SGC meeting and the Evidence Based Community Corrections Meeting that followed.

- **Sex Offender Policy Board (SOPB)** - The SOPB has several sub-committees meeting frequently. Most of them are directly related to items covered at the Yakima Forum. Ms. Costa gave an overview of what was covered at the Forum. Mr. Sahlberg asked about the relationship of the SOPB's work and the reduction in the availability of Sexual History Polygraphs to the ESRC, SOTP treatment providers and the ISRB, and whether this would be

a forum to discuss how important they are for all groups. Ms. Costa thinks this would be of interest to the SOPB.

- **National Crime Victim Law Institute (NCVLI)** – Ms. Costa and Ms. Hanegan-Cruse attended the NCVLI Workshop where they heard about case law being developed to protect victim rights including at the parole level.
- **Legislative Proposals** - Legislative proposals are being solicited by Ms. McKinney. Ms. Costa is working on the issue of when to schedule .420 hearings on offenders with concurrent Earned Release Dates (ERDs). Mr. Sahlberg noted a suggestion by Ms. Hanegan-Cruse to change the name of the agency to the “Sentence Review Board”.

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

- **Budget** – Ms. McKinney presented the 250 09-11 Fixed Discretionary with additional reductions.

##### **ACTION 26-09:**

Ms. Hollingsworth moved to approve the 250 09-11 Fixed Discretionary with additional reductions as submitted. Mr. Sahlberg – 2<sup>nd</sup>.

*Decision:* Motion carried 4-0 and approved.

With regard to the current budget, the fiscal year hasn’t closed yet, but we will definitely have a positive balance. For now, nonetheless, the line items look right in line with what Ms. McKinney expects.

- **Strategic Plan** – Ms. Smith is waiting for information from others prior to completing the Strategic Plan update. She will present an update at the next Board Meeting.
- **HB 1300 Implementation Committee** – Mr. Sahlberg has not heard anything from this committee yet.
- **Psychological Evaluations for .100 Hearings** – The Correctional Records Technicians (CRTs) have been expressing concern about not receiving psychological evaluations for .100 hearings and the increase in re-scheduled hearings.

The Board stated they will not conduct a .100 Hearing without a psychological report unless the offender refuses to participate in a psychological. If a psychological report is not received by the docket cut-off, the offender will be rescheduled for the next available docket to allow time for completion of the report.

If the offender refuses to participate in a psychological evaluation, they will be rescheduled on the next available docket. If the offender again refuses, the hearing will be held without the psychological report.

- **Pending Decisions** - There are three pending decisions from May and one from April. A couple of these cases have Mutual Re-entry Program (MRP) issues.
- **Attorney General Reports to the ISRB** – Ms. McKinney suggested to the Board that the AG Report on ISRB cases be submitted quarterly. The Board agreed and the AG’s office will be asked to submit reports in March, June, September and December of each year.
- **Request for ISRB Speaker/Training** - The agency has received a request for a Board Member to speak at the TRU Transition Class for offenders. There was discussion surrounding whether or not a Board Member or staff would be appropriate for this particular request. No one is available for this particular class.

The Board would like each request for speaker/training to be screened by Ms. McKinney who will determine if anyone from the ISRB should attend and present, and who that person might be.

- **SOTP Waivers** – Ms. McKinney asked the Board Members for clarification on the SOTP Waiver issue. The Board Members responded that SOTP Waivers can be used for PRE cases, but not for CCB cases.
- **Summary of Previously Submitted Impact Statements** - Ms. Hanegan-Cruse would like clarification from the Board on summarizing past victim letters on PRE cases.

The Board discussed this issue and would like Ms. Hanegan-Cruse to provide one summary including all past letters not previously summarized. The summary should include the period of time the letters were received, number of letters received, and the general ideas contained in those letters. Recently received letters, or those received since the last hearing, should be summarized individually. However, if several letters are received at once, they can be included in one summary.

## **E. Old Business**

### **1. ISRB Policy – Notifying Victims and Survivors -**

Suggested amendments were discussed and made.

#### **ACTION 27-09:**

Mr. Sahlberg moved to adopt ISRB Policy 325.00 Notify Victims and Survivors with amendments and final wording approval by Ms. Costa. Ms. Hollingsworth – 2<sup>nd</sup>.

*Decision:* Motion carried 4-0 and approved.

## **2. Update on Communication between DOC Classification Staff and ISRB Staff**

Clarification of communication between the ISRB and the DOC Staff will be pursued by Ms. McKinney.

## **3. CCB Releases to OAA**

Mr. Sahlberg addressed the issue of CCB release to OAA. He asked the Board to rescind the Advisory Memorandum dated June 29, 2009 Releasing CCB Offenders to Next Non-CCB Cases. He suggests that more research go into the type of release planning done by the DOC. Then, if needed we may consider adding a "Special Condition" to the Release Plan that addresses our concerns. Adding language to the Decision and Reasons at this time is not warranted. Discussion ensued.

The Board has made the decision to rescind the Advisory Memorandum and put this decision on hold until AAG advice is received on this issue. Ms. Mullen will be providing a written opinion by the August 10, 2009 Board Meeting.

## **4. Sexual History Polygraphs**

Mr. Sahlberg and Mr. Thaut referenced a draft DOC Policy about polygraphs that Ms. McKinney brought to our attention, but it seems to relate to supervision of cases. The Board acknowledges that a different approach needs to be pursued if the Board is hoping to get a sex offender history polygraph before hearings.

## **F. New Business**

- 1. ISRB Policy – Hours of Work and Overtime** – This policy was reviewed by the Board. No major changes were made. This policy will be placed on the Agenda for the next Board Meeting for a vote.
- 2. ISRB Policy – Records Management** – This policy was reviewed by the Board. No major changes were made. This policy will be placed on the Agenda for the next Board Meeting for a vote.

## **G. Public Comment**

No public comment.

## **H. AAG Report**

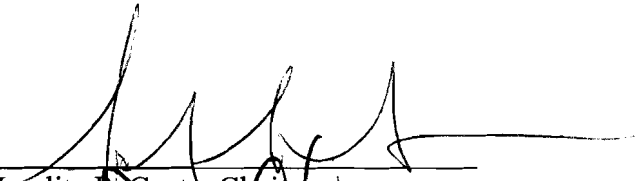
Ms. Costa asked for Ms. Mullen's help with drafting our agency legislation.

**I. Executive Session**

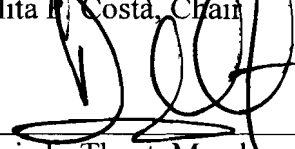
**J. Community Concern Meeting**

An in-person Community Concern Meeting was held.

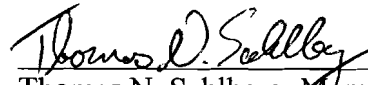
**K. Adjourned.**



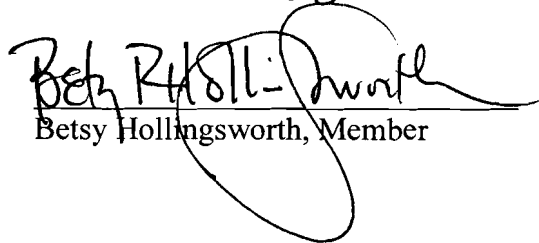
Jeralita R. Costa, Chair



Dennis L. Thaut, Member



Thomas N. Sahlberg, Member



Betsy Hollingsworth, Member