

Indeterminate Sentence Review Board (ISRB)

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Indeterminate Sentence Review Board (ISRB) or the Board



Agenda

- ▶ Overview of ISRB
- ▶ Populations
- ▶ Board Release Considerations
- ▶ Victim Services to the Board
- ▶ Board Supervision
- ▶ Population Trends
- ▶ Topics for Future Consideration

Indeterminate Sentence Review Board (ISRB) or the Board



History and Mission of the Board

- ▶ Pre-SRA (Prior to 1984)
- ▶ 2001-Sex Offenders
- ▶ 2011-Joined DOC
- ▶ 2014-Juvenile Board Cases



- ▶ Mission: The ISRB makes informed decisions essential to public safety regarding the confinement or release of individuals under its jurisdiction.

ISRB Members and Staff

- ✦ The ISRB has jurisdiction for the entire State.
- ✦ *3 Board Members and 1 Chair. 1 On-Call.
- ✦ 4 Hearings Investigators
- ✦ 5 Correctional Record Technicians
- ✦ 2 Administrative Staff
- ✦ 1 Victim Liaison, 1 Program Assistant

How Many are Under the Board?

- ✦ Pre-1984

- ✦ 227 (prison) 45 (community)

- ✦ Community Custody Board (CCB) or Determinate Plus (sex offenders)

- ✦ 2,056 (prison) 1,304 (community)

- ✦ Juvenile Board Cases

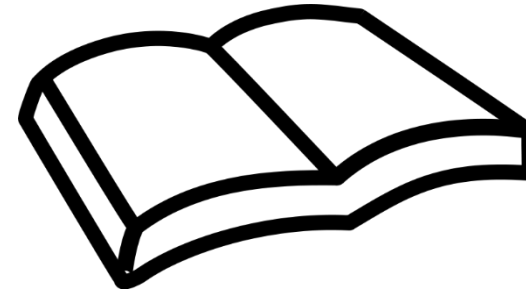
- ✦ 71 LT *28 AG Murder (prison)

- ✦ 11 (community)

Qualifying Offenses

- ▶ Pre-84-Any, cold cases.
- ▶ CCB-Certain Sex Offenses under 9.94A.507 or Persistent Sex Offenders Defined under 9.94A.030.
- ▶ Juvenile Board-20 or more years or Aggravated Murder.

Juvenile Board Cases



U.S. Supreme Court decision
Miller v Alabama 2012

Juvenile Board “Miller Fix”

- ▶ There are two types of JUVBRD cases:
- ▶ Offenders who committed crimes prior to their 18th birthday and are convicted of Aggravated Murder 1.
- ▶ Offenders who committed crimes prior to their 18th birthday and received long terms of confinement by the sentencing Judge.

*SB 5064-2014

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Juvenile Board Eligibility

AG Murder-Cases will go back to court to be resentenced:

- ▶ 15 or younger, 25 year minimum.
- ▶ 16-18, can be between 25 years and LWOP.
- ▶ The offender must serve the term set by the judge before they have a hearing with the ISRB. They receive no good time on their original term.

LT JUVBRD:

- ▶ 20 years flat time.
- ▶ Petition the Board.
- ▶ No criminal convictions over age 18.
- ▶ No serious infractions in previous 12 months.

PAROLE/RELEASE HEARINGS

- ▶ Timelines
- ▶ Type of Hearings
- ▶ Hearing Participation

Notice, Records and Minutes

RCW 9.95.422 (ESSB 6242)

- ▶ 90 day notice of hearings to prosecuting attorneys, sentencing court and crime victim.
- ▶ Records that the Board considers must be sent un-redacted to prosecuting attorneys and sentencing court. Upon request to crime victim.
- ▶ Comprehensive minutes of all hearing and meetings must be posted on website within 30 days.
www.doc.wa.gov/corrections/isrb
- ▶ Pre-84 and LT Juvenile Board.



The Million Dollar Question...

What does the Board look at for Release?



Three Areas: Statutory Authority, Offender Information, Victims/Survivors and other Input.



Release Criteria in Statute

- ▶ *Pre-84's: The Board shall not however, until his or her maximum term expires, release a prisoner, unless in it's opinion his or her rehabilitation has been complete and he or she is a fit subject for release.
 - ▶ *CCB's: The Board shall order the offender released, unless the Board determines by a preponderance of the evidence that despite such conditions, it is more likely than not that the offender will commit a sex offense if released.
 - ▶ JUVBRD: The Board must order that the person be released unless it is determined by a preponderance of evidence that, despite conditions, it is more likely than not that the person will commit new criminal law violations if released.
- *Board sets new minimum term if not released.

Offender Specific Information

Additional Considerations (Decision Framework, Serin and Gobeil, Carlton University 2011)

- ▶ Risk Assessments/Actuarials
- ▶ Criminal History and community Supervision Adjustment
- ▶ Ability to Control Behavior (substance use)
- ▶ Responsivity/Programming
- ▶ Institutional/Community Behavior
- ▶ Offender Change
- ▶ Release Plan
- ▶ Case Specific
- ▶ Discordant Information

Sex Offender Treatment in Prison

- DOC Prioritization Process
- Board Override Requests
- Treatment Requirements in the Community
- Who Pays?

OTHER RELEASE INPUT

*Crime Victims/Survivors

- ▶ Elected Officials
- ▶ Concerned Citizens
- ▶ Prosecutors
- ▶ Detectives
- ▶ Legislature
- ▶ Defense Attorneys
- ▶ Advocacy Groups
- ▶ Former Staff
- ▶ Support in the Community

*Media

Supervision Length of Offenders Under ISRB



- CCB:
 - Class A-Lifetime
 - Class B-10 years (minus time in prison)
 - Class C-5 years (minus time in prison)
- Juvenile Board:
 - 3 years
- Pre-84:
 - 3 years

How Are They Supervised?

DOC Policy 380.200 Section 1. b. – Both Pre-1984 Parolees and Juvenile Board cases will be supervised for the first year as High Violent.

Community Custody Board Offenders – Supervision is dictated by the Statutory Maximum Sentence.



Violations

Three different populations = TWO different responses



Pre-1984 Parolees

- Board Warning
- Only two recommendations once arrested
 - Revoke
 - Reinstate
 - *May request to reinstate with added conditions*

The logo features the word "Parole" in a bold, sans-serif font. The letter "P" is a solid green color, while the remaining letters "arole" are white. The text is set against a solid black rectangular background.

Parole

Community custody Board (CCB) & Juvenile Board

- Stipulated agreement – offender agrees to violation and sanction
- Board Warning
- Out of Custody Hearing
- In Custody Hearing



Offender Release Plan



-
- ORP Process
 - Risk
 - Was the offender a family member or known to the victim/live in same home?
 - Was the offender a stranger?
 - Approval/Denial
 - Final decision is up to the Board – The Chair is always willing to talk about situations if there is a concern.
 - Recommended Conditions are requested from the CCO

CONDITIONS OF SUPERVISION

- ▶ Must be related to risk.
- ▶ Court/ISRB
- ▶ DOC can recommend/request conditions to the Board.
- ▶ Violation Hearings

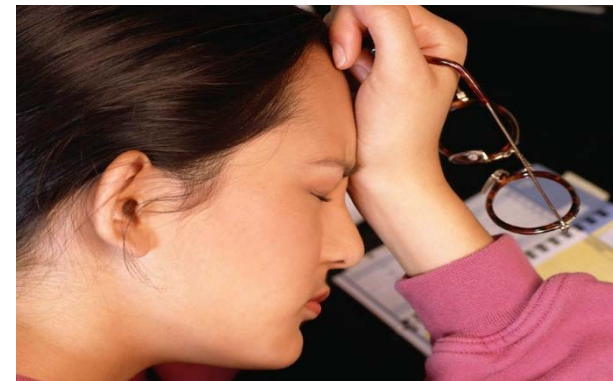
VICTIMS/SURVIVORS

The process Begins.....

- ▶ NEW COMMITMENTS
- ▶ SPECIAL DYNAMICS - *Why is everybody screaming at me?*
- ▶ Re-victimization
- ▶ Need to Process
- ▶ Empowerment

LOCATING VICTIMS/SURVIVORS

- ▶ OLD CASES
- ▶ NO INFORMATION IN OUR SYSTEM
- ▶ NO INFORMATION IN PA FILE OR J&S
- ▶ NO SURVIVORS LISTED
- ▶ NAME CHANGES



HEARING NOTIFICATION

- ▶ SERVICES
- ▶ DOC NOTIFICATION & VINE
- ▶ RESOURCES
- ▶ LIMITED CONFIDENTIALITY



VICTIMS & SURVIVORS HAVE A RIGHT TO GIVE INPUT

WRITTEN (mail or email)

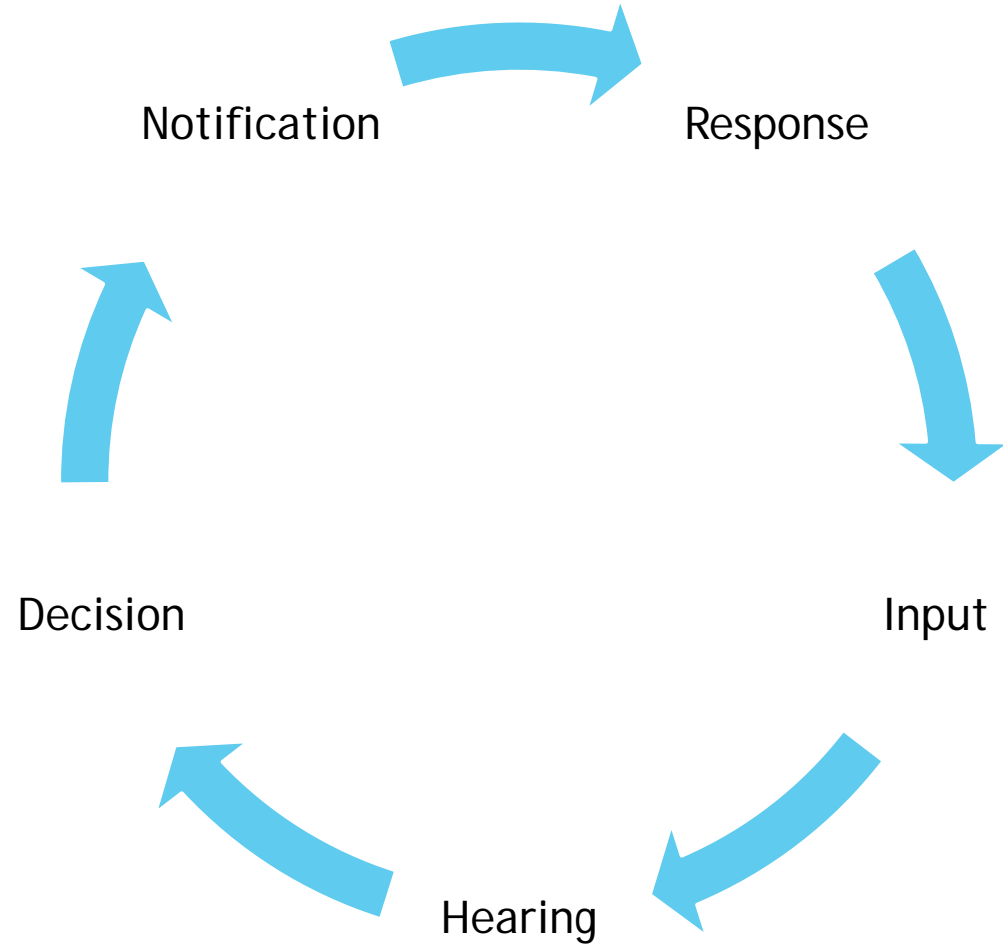
IN PERSON

TELEPHONIC

RECORDED STATEMENT (CD or DV)



Hearings Process Cycle



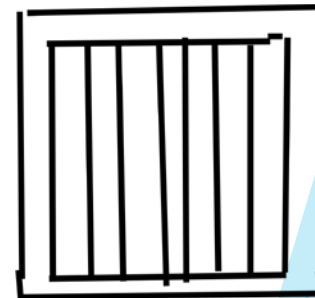
Results

- ▶ DECISIONS & REASONS
- ▶ NOTICE OF FUTURE HEARINGS
- ▶ WRITTEN STATEMENT REMAINS
- ▶ ORP
- ▶ CONDITIONS & RULES OF SOTP



AN OFFENDER RELEASES

- ▶ SAFETY PLANNING
- ▶ CURRENT PHOTO
- ▶ GEOGRAPHICAL BOUNDARIES
- ▶ COPY OF CONDITIONS/
RULES OF SOTP
- ▶ CONTACT INFO FOR CCO

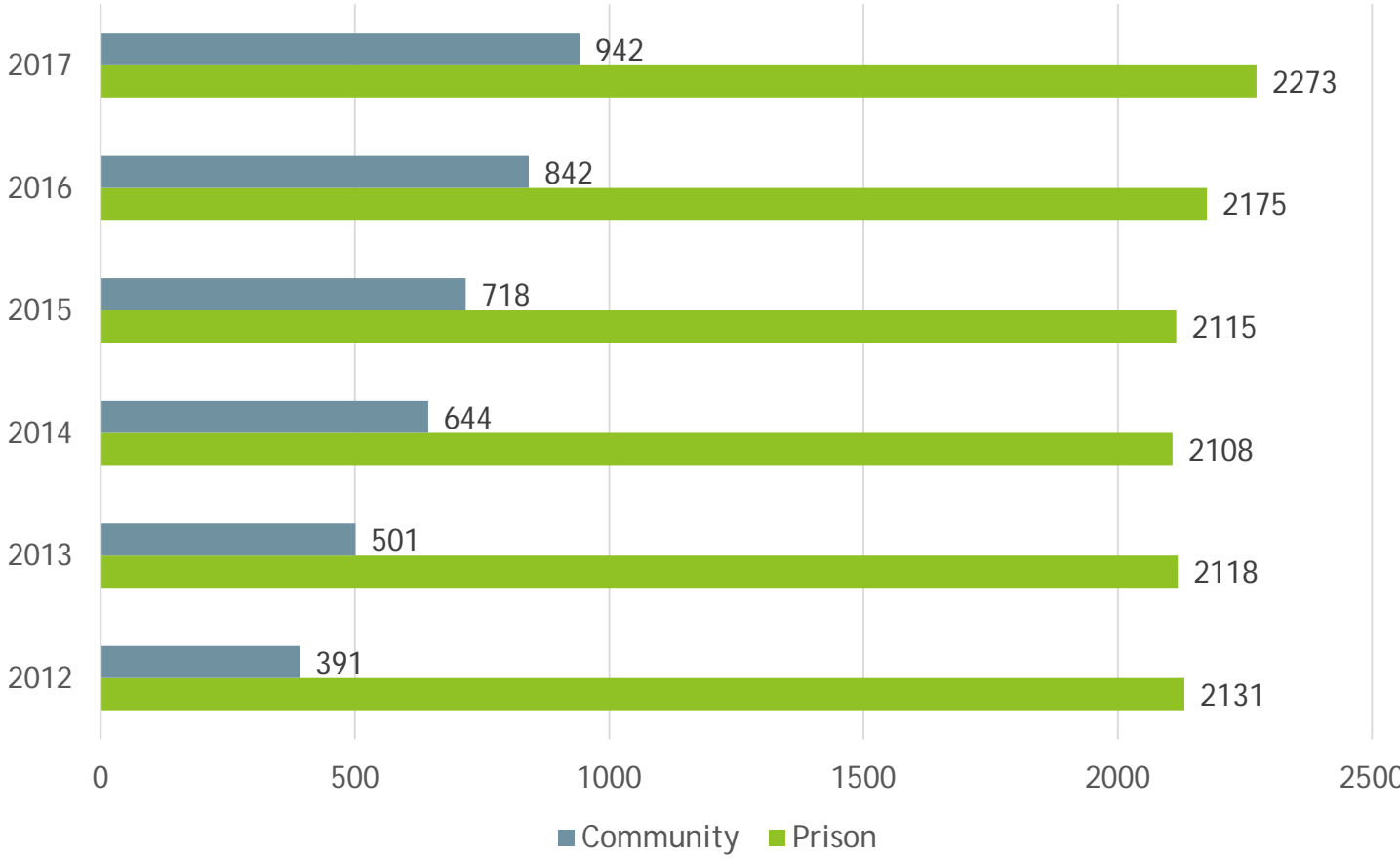


Post Release

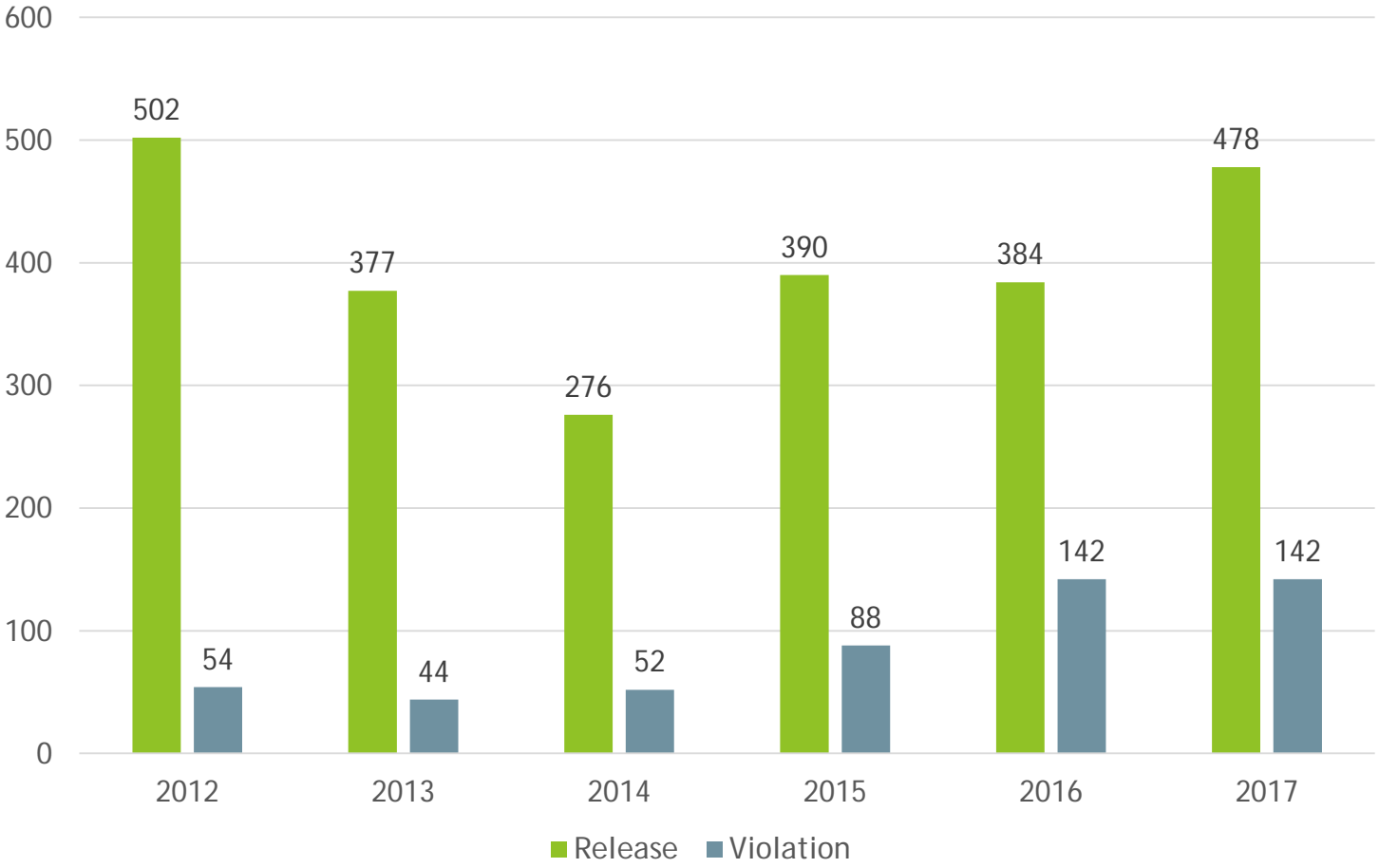
It is always okay to check in

- ▶ Status & Compliance
- ▶ Location
- ▶ Violations
- ▶ Violation Hearings & Outcome

Population Trends



Release and Violation Hearings



THINGS TO WATCH FOR....

- ▶ “Post-Conviction Review”
- ▶ Juvenile Board PRP’s
- ▶ Sentencing Guidelines Commission Review:
 - ▶ SRA Review-purpose, best practice, evidence-based, sentencing grids, increase judicial discretion
 - ▶ Public Safety
 - ▶ Simplification
 - ▶ Community Supervision and Community Custody
 - ▶ Alternatives to full confinement.

Board Values

- ▶ Making objective decisions with consideration for public safety and the concerns of stakeholders.
- ▶ Following the law with integrity.
- ▶ Being responsive and transparent to victims, individuals under our jurisdiction, the public, and criminal justice partners.
- ▶ Respecting the diversity of individuals.
- ▶ Planning and managing public resources responsibly.
- ▶ Working together with open communication while valuing each team member.
- ▶ Excellence and accountability in our work.

Q&A



Contact Info. & Resources

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