



# Indeterminate Sentence Review Board ISRB

2022-2023 BI-ANNUAL REPORT

WASHINGTON STATE DEPARTMENT OF CORRECTIONS

## Executive Summary

The Washington State Indeterminate Sentence Review Board (ISRB) has emerged from the Covid-19 Pandemic with successful adaptations to the changing work environment and increased workload while continuing to fulfill its statutory duties. It has engaged in several successful projects over the past two years and has goals of continued advancement.

The Board has jurisdiction over three distinct populations and has a total of approximately 3,727 individuals under its jurisdiction as of October 16, 2023. There are approximately 1,323 individuals on active supervision in the field and approximately 2,201 individuals actively incarcerated. The first is the smallest population, which are individuals sentenced as an adult for crimes committed when they were a juvenile. Currently this population totals 43 individuals, with 19 being in the community and 24 being currently incarcerated. This population makes up approximately 1% of the total population under Board jurisdiction. The second largest population are individuals sentenced to crimes which occurred prior to July 1<sup>st</sup>, 1984. Currently this population totals 160 individuals, with 18 being in the community and 142 being incarcerated. This group makes up approximately 4% of the total population under Board jurisdiction. Finally, the largest population are Community Custody Board (CCB) cases which are individuals sentenced to certain sexual offenses. There are currently 3,524 CCB cases, with 1,323 being in the field and 2,201 being incarcerated. This population makes up approximately 94% of the population under Board jurisdiction.

The Juvenile Board population remains stable in terms of size with an almost equal number of new cases as those getting off supervision. The Pre-84 population is declining over time. Both populations have three years of supervision once found releasable by the Board. The CCB population is growing and 99% of this population is under Board jurisdiction for life, indicating it will continue to grow.

The Board moved to virtual hearings during the Covid-19 pandemic and this practice has remained. Data was evaluated to determine if virtual hearings impacted release decisions. It was determined through data analysis that individuals experienced the same probability of being released with in-person hearings compared to virtual hearings. The Board also had its release decisions over the past five years examined for any disparities among the race of the individual. After analysis, the Board's release decisions show no disparities among the race of the individual, indicating equality in its decisions.

Virtual hearings do not require Board Members to travel, which has increased capacity for holding hearings. The Board held the most hearings in its history during this review period. However, with the ever-growing population under its jurisdiction this resource savings will be exacerbated in the future.

A recent Washington State Supreme Court case has ruled that requires Board imposed conditions on individuals on community supervision must relate to 1) the crime of conviction; 2) risk of re-offense; AND 3) public safety. The Board had been imposing conditions relating to at least 1 of these criteria prior to this ruling when interpreting current statute. Ensuring conditions apply to the crime of conviction is the most restrictive of the three criteria. Oftentimes, the crime in which the individual is under Board jurisdiction may not encompass all the risk the individual may pose. For example, if the crime of conviction does not involve other risk factors such as the use of drugs and alcohol, or victim type that are common in their criminal history. The Board is restricted from imposing conditions that

relate to their criminal history, but not the crime of conviction. Therefore, the Board is unable to impose conditions that only relate to their risk of re-offense and/or public safety. The Board will be working to find a solution to this limitation.

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## Message from the Chair

*Dear Valued Stakeholders: For the last two years the Board has continued to return to a “new normal” after the COVID Pandemic. We have been able to continue to hold our hearings via video conference. This has allowed the Board to operate more efficiently and allow for increased transparency for those impacted by the crime to attend the hearing virtually if they choose. We also have pulled data from the Department of Corrections Research and Data Analytics indicating there has been no changes in the percentage of releases for incarcerated individuals and number of hearings held. We also have been focused on carrying out our Strategic Planning efforts as well as engaging our stakeholders in training and participating in training.*

*In line with our Mission, which is to make informed evidence-based decisions essential to public safety regarding the confinement or release of individuals under its jurisdiction, the Board continues to participate in training to assist us in decision making. This includes Trauma Informed Care, actuarial risk assessments and the Structured Decision-Making Framework (SDMF). In addition, the Board has begun the approval process to have the use of the SDMF studied on the Washington State population. This should be complete in 2024.*

*In addition, as part of the Board’s commitment to equitable and fair decisions, data was pulled between 2018-2022 looking at release decisions by race. We are pleased that the data showed there was no significant difference in release decisions when delineated by race.*

*One of the Board’s highlights for the upcoming year will be hosting the Association of Paroling Authorities International Conference in May of 2024 in Bellevue, WA, welcoming paroling authorities nationally and internationally.*

*Sincerely,*

A handwritten signature in black ink, appearing to read "Katie King", with a long horizontal flourish extending to the right.

## History of the Board

The Indeterminate Sentence Review Board (ISRB or Board) was created in 1935 as the Washington State Board of Prison Terms and Paroles. It is commonly referred to as the Parole Board. Between 1935 and 1986, Washington State operated under a parole system wherein the Court would set a maximum term at sentencing. The Board of Prison Terms and Paroles was tasked with setting an individual’s minimum term and making a determination regarding whether they were “rehabilitated” and should be granted parole.

Consistent with a nationwide “truth in sentencing movement” in the 1970s and early 1980s, Washington State later adopted a determinate sentencing model. The Sentencing Reform Act (SRA) went into effect on July 1, 1984, and established specific sentencing ranges for each crime. As the Board continued to have responsibilities for individuals sentenced to indeterminate sentences for crimes they had

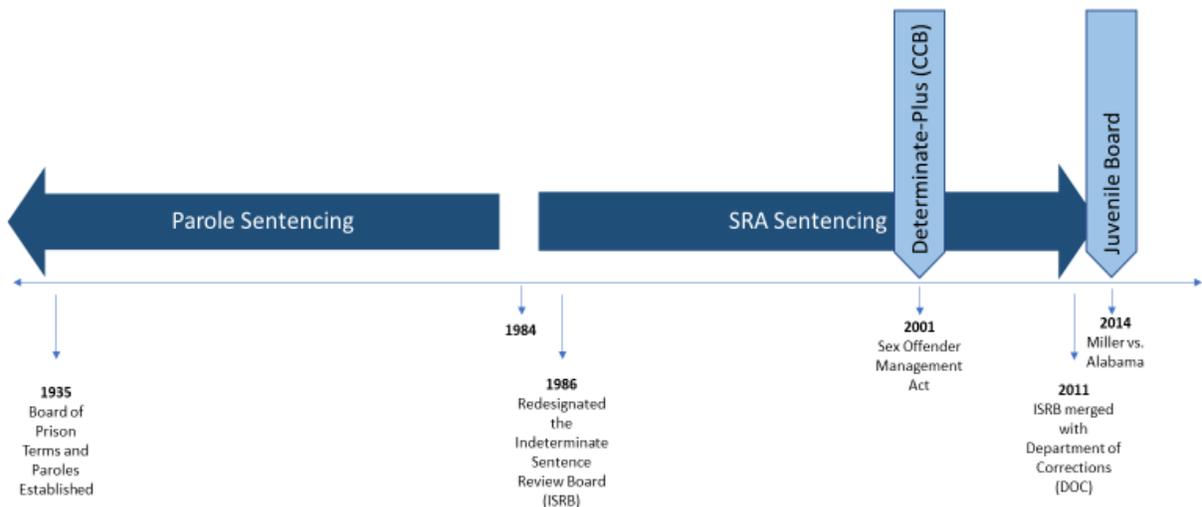
committed prior to that date, the Board was redesignated the Indeterminate Sentence Review Board (ISRB or Board) in 1986. With the end of indeterminate sentencing, the agency was scheduled to sunset.

However, the Board was revitalized in 2001 when the legislature passed the Sex Offender Management Act, bringing individuals convicted of certain sexual offenses under the jurisdiction of the ISRB. The return to indeterminate sentencing was implemented to address limitations of Sexually Violent Predator sentencing law that had been established by the Community Protection Act in 1990. The new sentencing system for sex offenders afforded individuals consistency in sentencing as established under the SRA, combined with a mechanism to address cases where likelihood of sexual recidivism was high. The new model also provided for ongoing community supervision, and the ability to add conditions in addition to those imposed by the Court at sentencing.

The Board's population was again expanded in 2014 when legislation was passed to address individuals that committed crimes as juveniles and were sentenced as adults to long-term confinement pursuant to Supreme Court case Miller vs. Alabama (2012). Specifically, juveniles that had been convicted of Aggravated Murder in the First Degree or had served at least 20 years confinement on other offenses became eligible for early release consideration by the ISRB in Washington State.

Since its inception, the Board had remained a small cabinet agency. However, in July of 2011, the ISRB was merged with the Department of Corrections (DOC) due to the Great Recession as a cost saving measure. ISRB staff became employees of the DOC. However, the Board Members continue to be appointed by the Governor to five-year terms and they are confirmed by the Senate. In addition, the Board's decision-making responsibilities have remained independent of the DOC.

Below is an abbreviated timeline of significant events for the Board:



## Board Mission, Vision, and Values

The Board and staff participated in a strategic planning exercise in the first quarter of 2023 and revised its mission, vision statements, and updating its values.

### Mission

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

### Vision

Advance independent evidence-based decision making and increase community awareness and transparency, by utilizing innovative and efficient processes. Ensure resources accompany workload.

### The ISRB Values:

- Practicing diversity, equity, inclusion, and respect of all individuals.
- 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.
- Planning and managing public resources responsibly.
- Working together with open communication while valuing each team member.
- Excellence and accountability in our work.

## Board Jurisdiction

The ISRB is a quasi-judicial board located within the Department of Corrections and retains its independent decision-making authority. It has jurisdiction over the following three populations:

- Persons who committed crimes prior to July 1, 1984, and were sentenced to prison.
  - This group is referred to in this report interchangeably as “parole” and “pre-84” cases.
- Persons who committed certain sex offenses on or after September 1<sup>st</sup>, 2001.
  - This group is referred to in this report as “Community Custody Board” or “CCB” cases.
- Persons who committed crimes prior to their 18<sup>th</sup> birthday and were sentenced as adults.
  - This group is referred to in this report as “Juvenile Board” cases.

## Victim Services

- The ISRB ensures that victims/survivors of crime are aware of the Boards release hearing process and provide them the opportunity to be involved in those processes. The ISRB Victim Services Team attempts to locate victims/survivors for cases under our jurisdiction to inform them of scheduled hearings, release decisions, and other pertinent information. During the fiscal year ending in June of

2022, ISRB Victim Services attempted to contact 1,637 victims and/or survivors for 495 incarcerated individuals. In Fiscal Year FY23, 1,374 victims and/or survivors were attempted to be contacted for 543 incarcerated individuals.

- Victims/survivors may provide input to the Board prior to the scheduled release hearing and make their statement known and voice heard either in-person, virtually, electronically, or telephonically. In addition, ISRB Victim Services may assist with safety planning when an incarcerated individual has been found eligible for release into the community. ISRB Victim Services may provide general support to victims/survivors by navigating ISRB/DOC processes, answering questions, and providing referrals for various community resources. It is the duty of the ISRB to ensure victims/survivors, and all participants are treated with dignity and respect throughout the hearing process.

## Board Responsibilities

Statute gives the Board four primary responsibilities to those under its jurisdiction. First, they are to determine whether someone is eligible for release according to statutory requirements. Second, the Board is the approving authority for release plans. Third, the Board imposes conditions of supervision. Finally, the Board addresses violations of community supervision.

## Decision Making

The Board considers 4 main areas when considering an individual for release. 1) Statutory requirements; 2) Case Specific information; 3) Input from stakeholders; 4) Court Decisions

### **Statutory Authority**

Each population under Board jurisdiction has different release criteria established in statute. The statutory requirements for each population are summarized as follows:

- Parole: RCW 9.95.100 provides the statutory criteria for individuals sentenced for crimes committed before July 1<sup>st</sup>, 1984. It requires the Board not to release the individual unless it is of the Board's opinion that the individuals "...rehabilitation has been complete, and he or she is a fit subject for release." There is no presumption of release for this population.
- CCB: RCW 9.95.420(3)(a) requires the Board to order a person released under conditions unless "...the Board determines the person is more likely than not to commit sex offenses if released." For this population, there is a presumption of release.
- Juvenile Board: RCW 9.94A.730(3) requires the Board to release a person on conditions unless it "...determines by a preponderance of evidence that despite conditions, it is more likely than not that the person will commit new criminal law violations." Similar to CCB cases, there is a presumption of release under this statute.

## **Case Specific Information**

The Board considers specific case information to determine releasability. To better focus on information relevant to release decisions, the ISRB began using the Structured Decision-Making Framework (SDMF) in 2016 (Serin, R., & Gobeil, R., 2014). The SDMF guides the Board to sort the case specific information, balancing risk, and protective factor information to inform its decisions.

The SDMF considers information from validated risk assessments, criminal history, correctional programming, and other related categories. All the categories in the SDMF have significant research backing linking their impact on recidivism as either a risk or protective factor. The SDMF is designed to assist decision makers to focus on information from an individual's history to make fair, transparent, consistent, and informed release decisions. The SDMF was created in the Legal Decision-Making Lab at Carleton University over a period of a decade to make a tool that improved decision making for parole practitioners (Serin, R., & Gobeil, R., 2014).

The information used in the SDMF is summarized in the Decisions and Reasons (D&R) document provided to the individual after a hearing outlining what the Board relied on to make its decision. This is designed to improve transparency and confidence in the Board's decisions and provides the individual guidance for their next steps.

## **Input from Stakeholders**

The Board also receives and considers information from stakeholders to include victims/survivors, family members, community members, prosecuting attorneys and law enforcement when making release decisions.

## **Court Decisions**

Court decisions provide the Board with additional guidance in regard to decision making. For example, for CCB and Juvenile Board cases, statute requires the Board to consider conditions of supervision to mitigate the risk of reoffending when determining a release decision. Court decisions impact what conditions can be placed on an individual which in turn requires the Board to examine the releasability of an individual. If a court decision precludes the imposition of certain condition for an individual, the Board may find that condition may mitigate their risk of re-offense and without it, may not find the individual releasable.

# Summary Data

## **Population data**

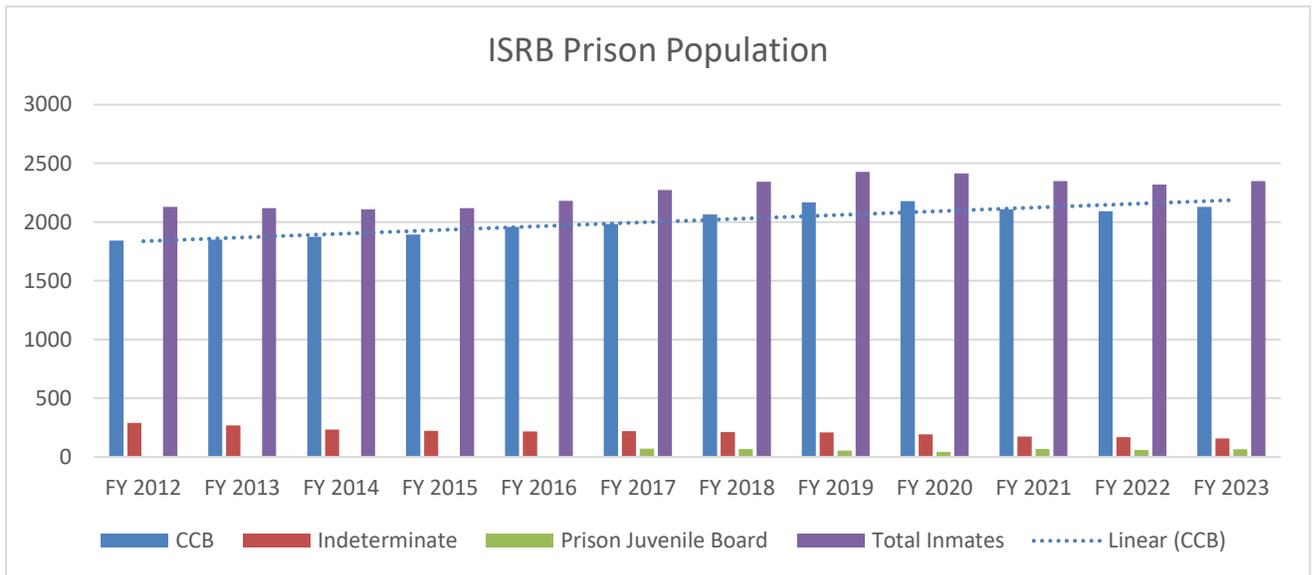
The graphs in this section unless otherwise indicated show data trends from FY2012 until the end of FY2023 (June 30, 2023). The trends are stable and are expected to remain unless legislation changes the jurisdiction of the Board.

The terms "Pre 84", "Parole" and "Indeterminate" are used interchangeably in the figures and descriptions and are referring to the same population - individuals convicted of crimes that occurred prior to July 1<sup>st</sup>, 1984.

At times, Aggravated Murder juvenile cases and Long-Term juvenile cases are combined and noted as “Juvenile Board” cases due to the low numbers.

Prison

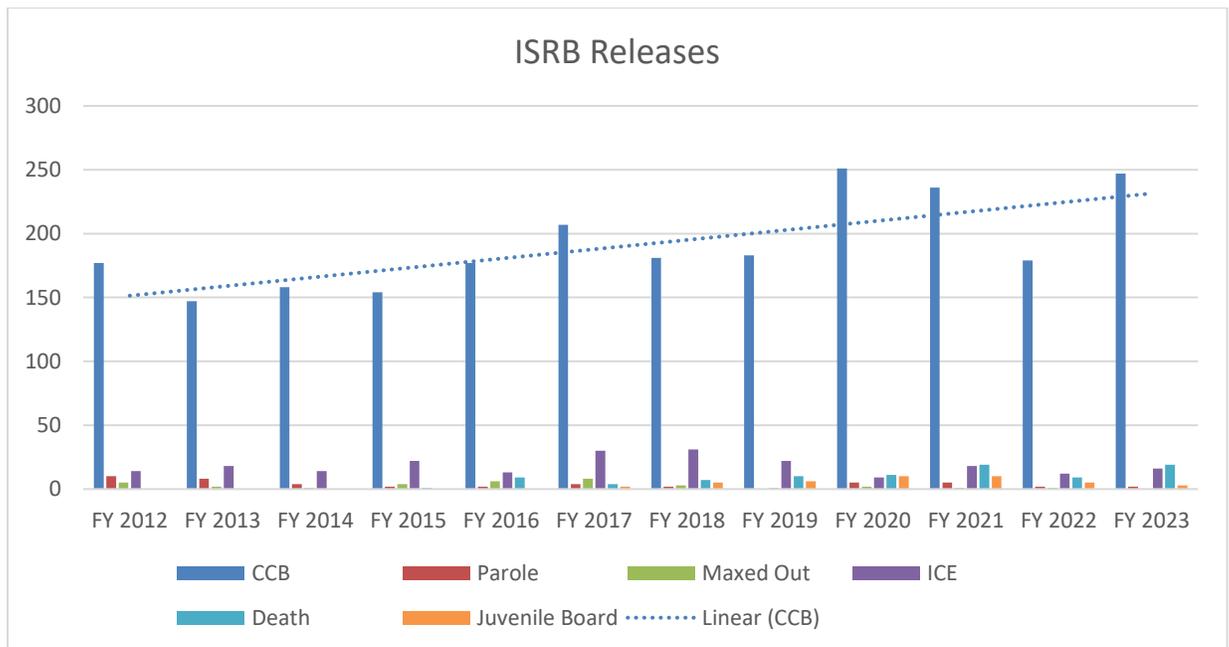
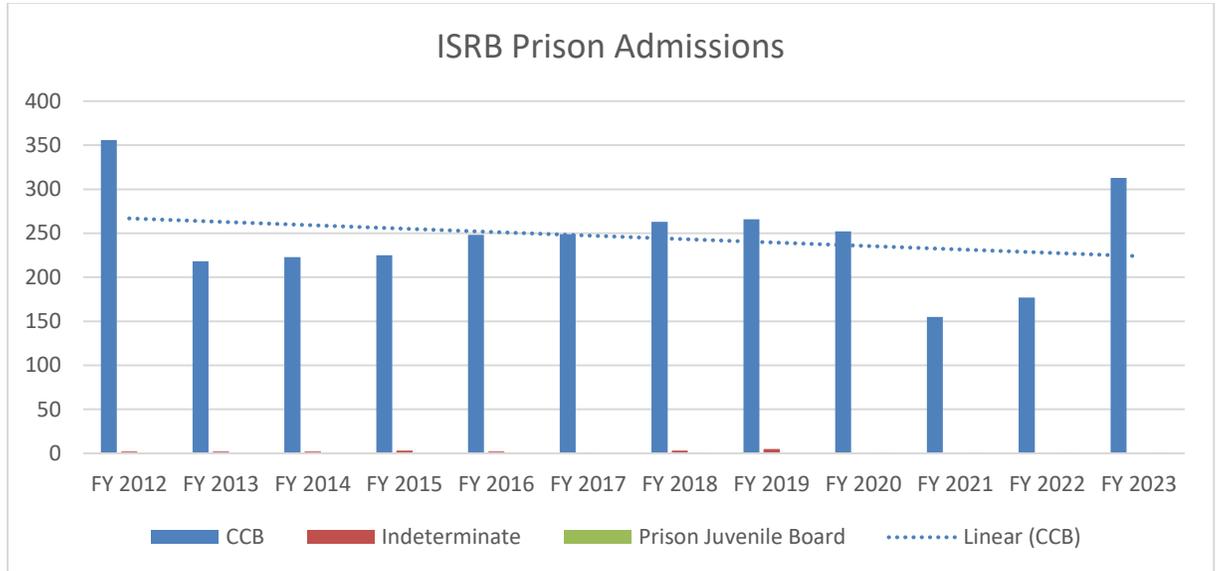
The population of individuals under ISRB jurisdiction in prison has demonstrated slow but steady growth over the past decade primarily due to the increase of the Community Custody Board (CCB) individuals. CCB cases are the largest group under Board jurisdiction, making up approximately 95% of the total Board population. The Pre 84 cases have been predictably declining while the juvenile Board cases are relatively stable and low in number.



On average each fiscal year, approximately 246 individuals were admitted to prison under Board jurisdiction, while on average the Board released approximately 228 individuals. In FY2021 and FY2022, there is a clear decrease in prison admissions, most likely due to the COVID 19 pandemic restrictions on the criminal justice system. During the same timeframe, the Board switched to virtual hearings and continued holding hearings and releasing individuals at a steady pace when compared to years prior.

When comparing the total CCB population to the admissions of CCB cases, there appears to be a discrepancy. The average number of CCB intakes appears to be decreasing while the CCB population in prison is increasing. There are two possible explanations for this phenomenon. The first being the significantly decreased admission rate for CCB cases in FY21 and FY22, is bringing down the average number of intakes. This would lower the trendline giving the false appearance of a declining trend. FY23 demonstrates the court system is back operating at typical capacity after the pandemic restrictions have been lifted and CCB intakes appear to be in line with years prior to the pandemic. If this is the case, the years to come will demonstrate an admission rate similar to FY23 and years prior, identifying FY21 and FY22 as outliers. The second potential explanation is there are more intakes of CCB cases on average than the number of CCB

releases by the Board in a typical fiscal year. Therefore, there is not a 1 for 1 ratio of 1 intake to 1 release which leads to the slow growth of the prison CCB population. It is also possible, the explanation for the discrepancy between the CCB population and admissions is best clarified in a combination of both scenarios.



Maxed out: Individual serves the entirety of their sentence in prison, non-lifetime max; ICE: released to an ICE detainer; Death: Individual passed away while in prison. Juvenile Board: individuals classified as Long-Term Juvenile Board or Aggravated Murder Juvenile Board cases were combined for these charts unless otherwise specified.

Long term juvenile Board cases are not accounted for until they have been found releasable by the Board. Individuals sentenced as an adult for crimes they committed as a juvenile and receive a sentence

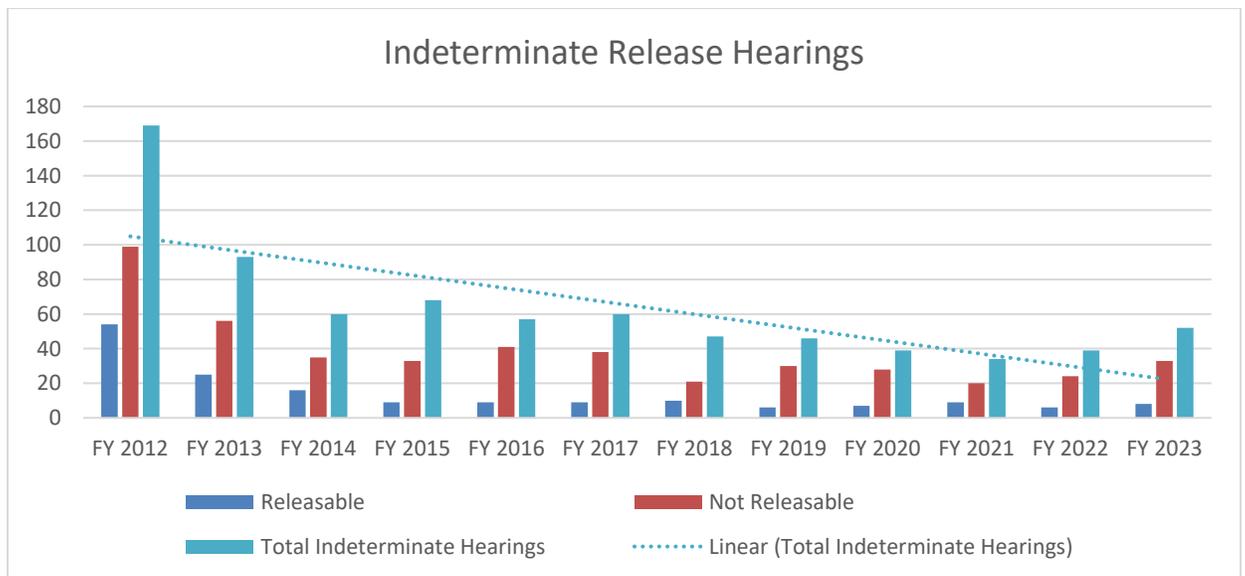
of over 20 years are eligible to petition the Board for early release after they have served at least 20 years. Data collection doesn't identify individuals as Long-Term Juvenile Board cases until they have served at least 20 years, petitioned the Board and have been found releasable. It is unknown to the Board how many individuals are currently serving a prison sentence but have served less than the required 20 years that may become eligible to petition the Board for early release in the future. Similarly, individuals sentenced for the crime of Aggravated First-Degree Murder committed when they were a juvenile are not counted until they have been resentenced by the court, if they were convicted prior to the new law passing in 2014.

As of October 16<sup>th</sup>, 2023, the ISRB prison population is:

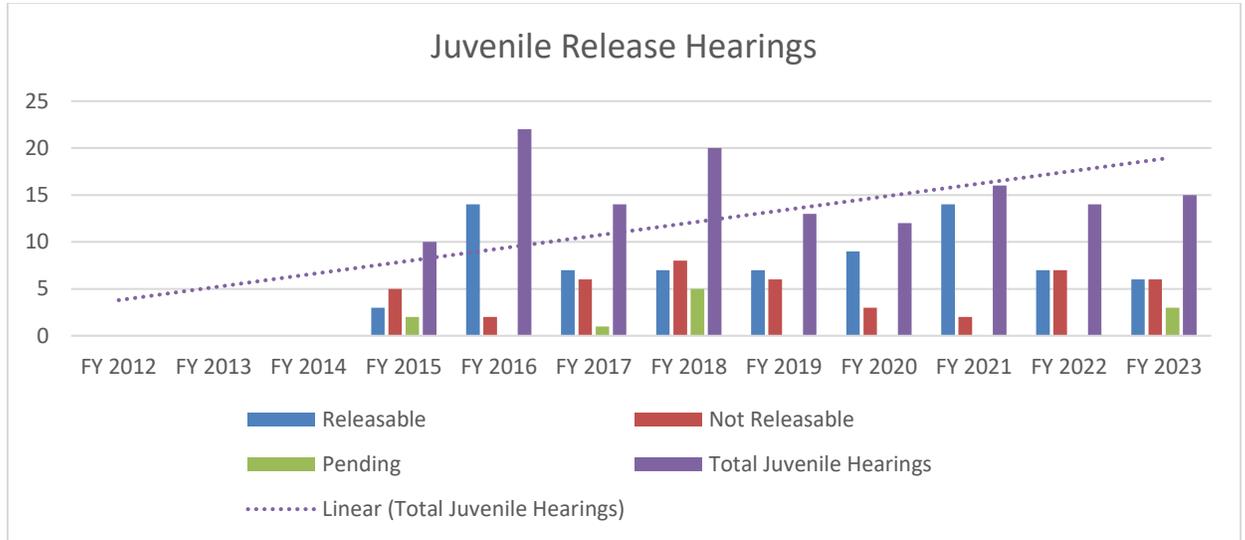
CCB:	2,201
Pre 84:	142
Aggravated Murder Juvenile:	22
Long term Juvenile:	2
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<b>Total:</b>	<b>2,367</b>

Release hearings and outcomes

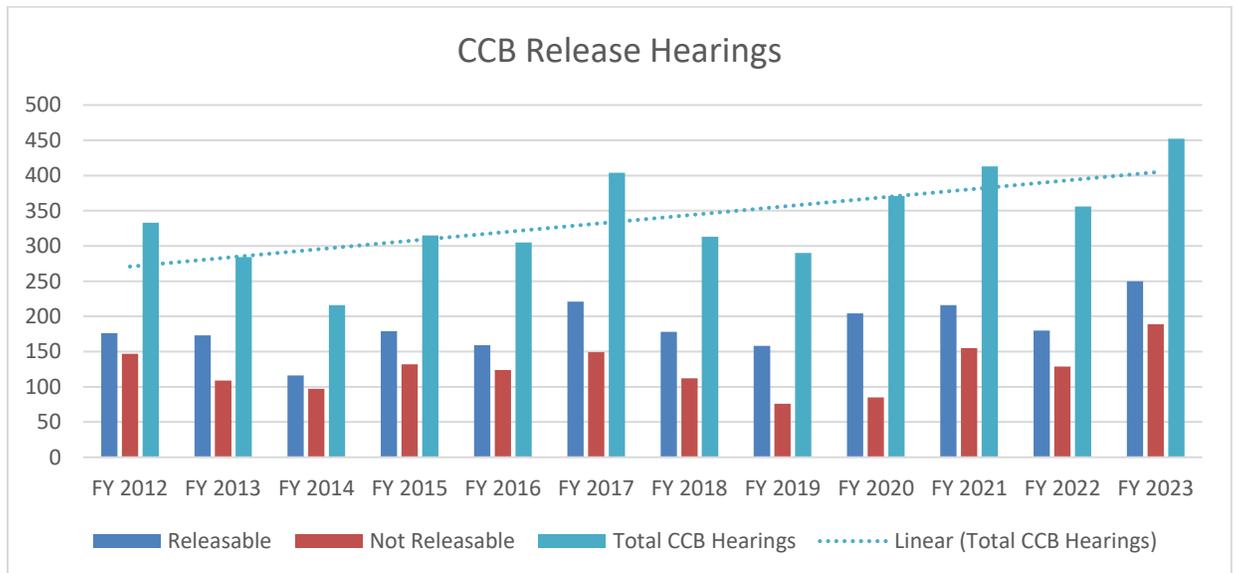
The number of Individuals convicted of a crime prior to 1984 and who remain in prison continues to decline. The Board held 91 release hearings in FY22 and FY23 for this group and found approximately 15% releasable. Despite their long-term incarceration, many of the remaining individuals have not taken active steps toward rehabilitation. Without doing so, the Board is unable to find them releasable per the statutory requirements.



Juvenile Board cases are the Board’s smallest population. Legislation in 2014 brought this population under the Board’s jurisdiction and the first individuals were released in FY 2015. The Board holds less than 20 release hearings for this population annually. In FY22 and FY23 the Board held 29 release hearings and found approximately 44% releasable.



The number of release hearings increased for CCB cases congruent with the general CCB prison population. On average since FY12 the Board held approximately 338 CCB release hearings annually. However, the number of hearings held annually fluctuates, and in FY23 the ISRB held the most CCB release hearings in its history at 452 and found 55% releasable. Combined, in FY22 and FY23 the Board held 808 release hearings and found 53% releasable.



## Releases

In total, in FY22 and FY23, the ISRB held 928 release hearings for all populations under its jurisdiction and found approximately 49% releasable.

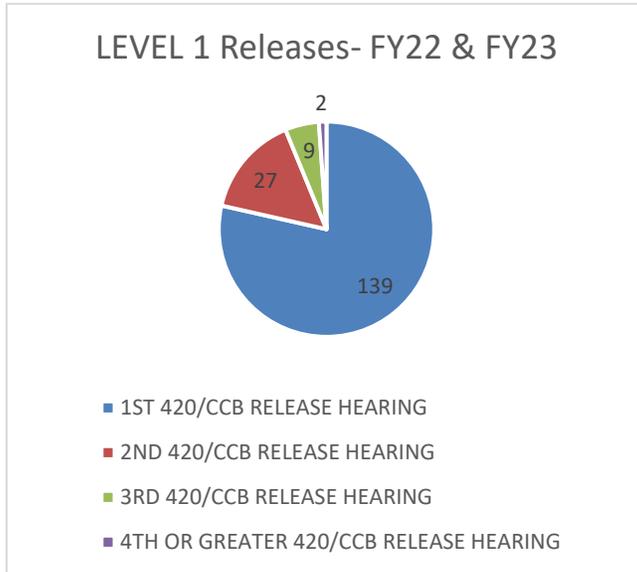
The End of Sentence Review Committee (ESRC) is a committee of multidisciplinary professionals from the Department of Corrections, Juvenile Rehabilitation, Childrens Administration, Behavioral Health Administration, the Special Commitment Center, local Police and Sheriff's Departments, the ISRB and others. The primary purpose of the ESRC is to recommend sex offender notification levels of individuals convicted of a sexual offense releasing from state prison, mental hospitals, and Juvenile Rehabilitation facilities. The 3 levels are differentiated below:

- Level 1: Individuals assessed as being low risk for sexual re-offense within the community at large. Law enforcement agencies share information about these individuals among law enforcement agencies and only to the public upon request.
- Level 2: Individuals assessed as being a moderate risk of re-offense within the community at large. Law enforcement agencies will share information about these individuals with schools, childcare centers, businesses, neighbors, and community groups near their expected residence.
- Level 3: Individuals assessed as being a high risk of re-offense within the community at large. In addition to the disclosures that level 2 individuals get with the community, law enforcement agencies also can provide information about these individuals with the public at large.

Of those found releasable and were convicted of a sexual offense, the following charts indicate how many hearings by level an individual typically has until they are found releasable.

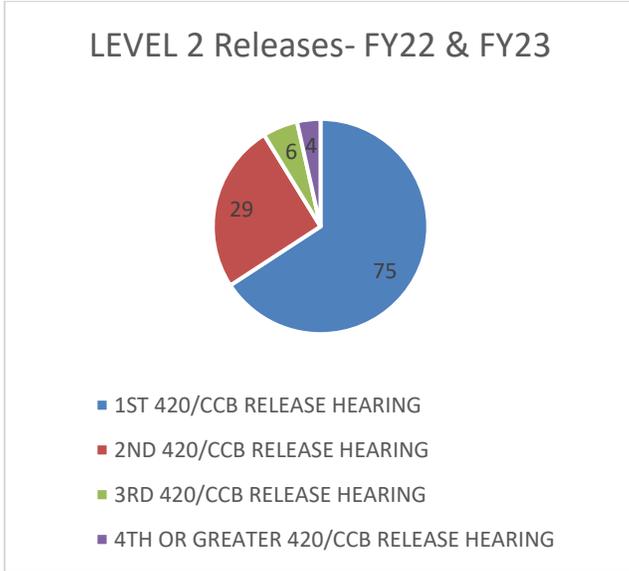
Level 1

177, Level 1 individuals were found releasable in FY22 and FY23 and the chart indicates how many hearings each person had before being found releasable. More than 2/3 (79%) were found releasable after their first hearing.



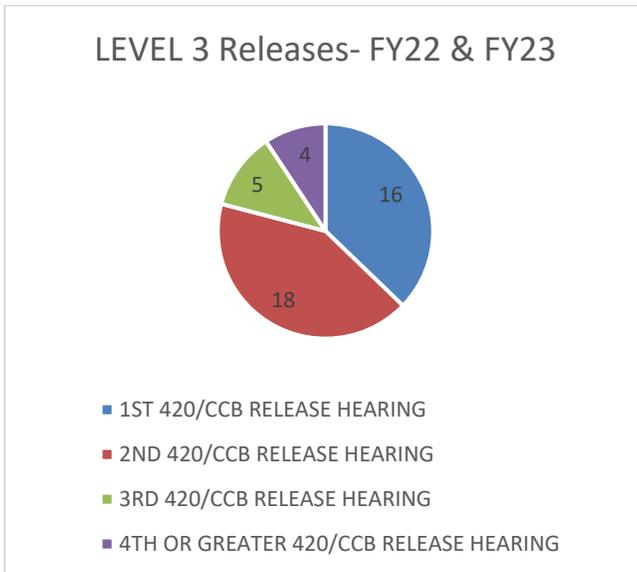
Level 2

114, Level 2 individuals were found releasable in FY22 and FY23 and the chart indicates how many hearings each person had before being found releasable. Approximately 2/3 (66%) were found releasable after their first hearing.



Level 3

43, Level 3 individuals were found releasable in FY22 and FY23 and the chart indicates how many hearings each person had before being found releasable. Approximately 1/3 (37%) were found releasable after their first release hearing.



## Release Plans

The second responsibility of the Board is to approve or deny release plans once an individual is found releasable. Plans are investigated by the Department of Corrections and ultimately approved by the Board.

Data was obtained for the previous 5 years (January 1<sup>st</sup>, 2018, until September 27<sup>th</sup>, 2023) and below are the findings:

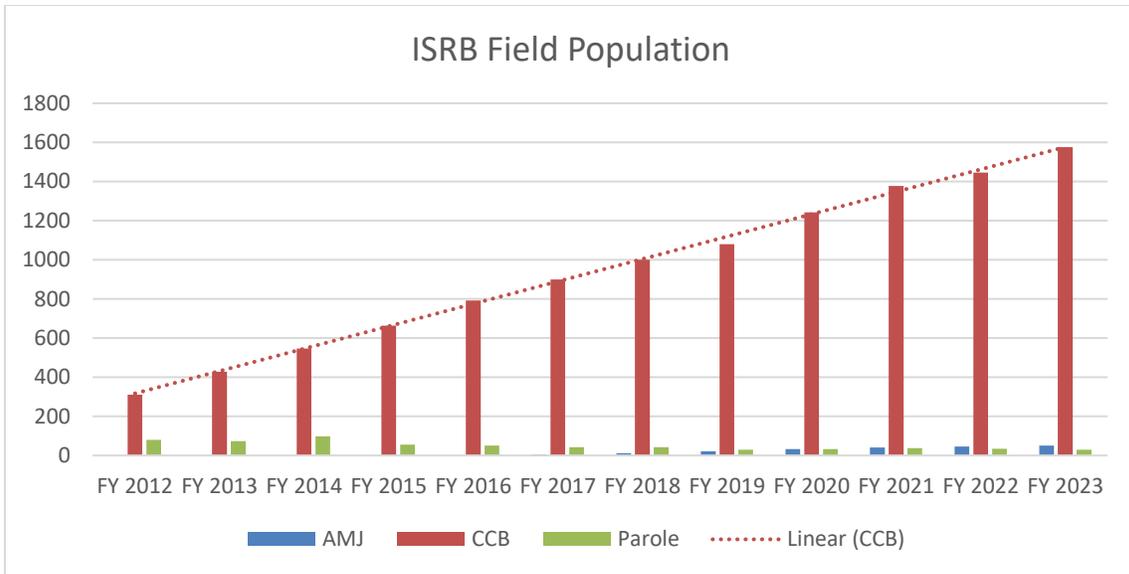
- 2,180 release plans were processed by the Board for 1,659 individuals who were found releasable:
  - Aggravated Murder Juvenile Board: 6
  - Long Term Juvenile Board: 55
  - Pre 84 cases: 83
  - Community Custody Board: 1,515

## Community

The population of Board cases in the community continues to grow. The majority of CCB cases are for class A felonies which the Board retains jurisdiction for life. The rate at which individuals are sentenced to lifetime supervision and lack of relief of lifetime supervision, the population in the community will continue to increase.

As of August 31<sup>st</sup>, 2023, there were 18 individuals sentenced as a CCB for felonies that do not require lifetime supervision. These individuals have a maximum date and will eventually not be under the jurisdiction of the Board. This group makes up approximately 1% of the CCB population and the other 99% will be on supervision for life. CCB offense convictions that qualify an individual be under the jurisdiction of the Board are defined in RCW 9.94A.507.

Pre 84 and Juvenile Board cases have three years of active supervision before they are moved to inactive supervision. The Board retains jurisdiction over these cases until the maximum of their sentence. If an individual on inactive supervision commits a new felony the Board may bring them back under its supervision.



As of October 16<sup>th</sup>, 2023, the ISRB population on active supervision was:

CCB:	1,323
CCB Life:	1,305
CCB (non-lifetime)	18
Pre 84:	18
Aggravated Murder Juvenile:	0
Long term Juvenile:	19

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**Total:** 1,360

### Setting Supervision Conditions and Addressing Violations

The third and fourth responsibilities of the Board are to set release conditions and to address violations. Prior to August of 2023, RCW 9.94A.704(10)(c) was interpreted to mean, conditions set by the Board needed to reasonably relate to at least one of the following criteria: the crime of conviction, risk to reoffend and/or community safety. In a recent court case, the Washington State Supreme Court, interpreted RCW 9.94A.704(10)(c) to mean conditions set by the Board need to relate to all three criteria (Ansell v. Washington State, 2023). The Board will continue to analyze how this may impact releases as well as violations in the future.

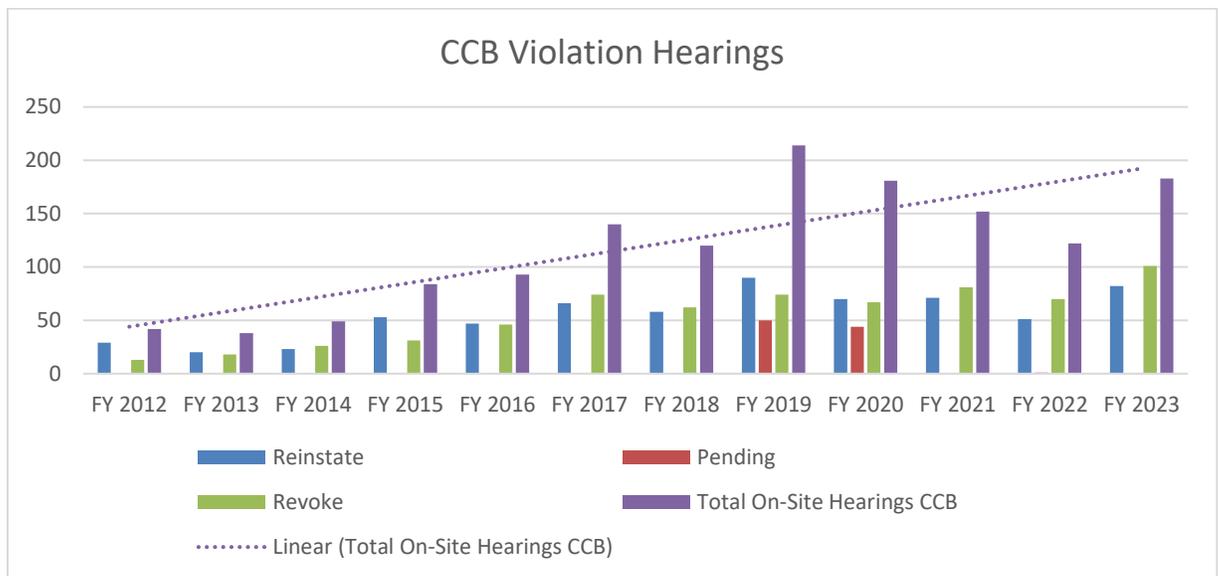
#### Violation hearings

The Board addresses violations in the community through a graduated sanctions model. The Board may issue the lowest level response to an alleged violation which is a Board Warning. The next level would be a Stipulated Agreement where the individual admits to a violation and works with their supervising Field Case Manager on an agreed upon sanction. The Board may address violations in an out-of-custody hearing when the Board is not considering revocation for the alleged violations. Finally, the Board may use an in-custody hearing where, if found guilty of the alleged violations, the person may be revoked.

The following charts indicate per population the trends in total violation hearings.

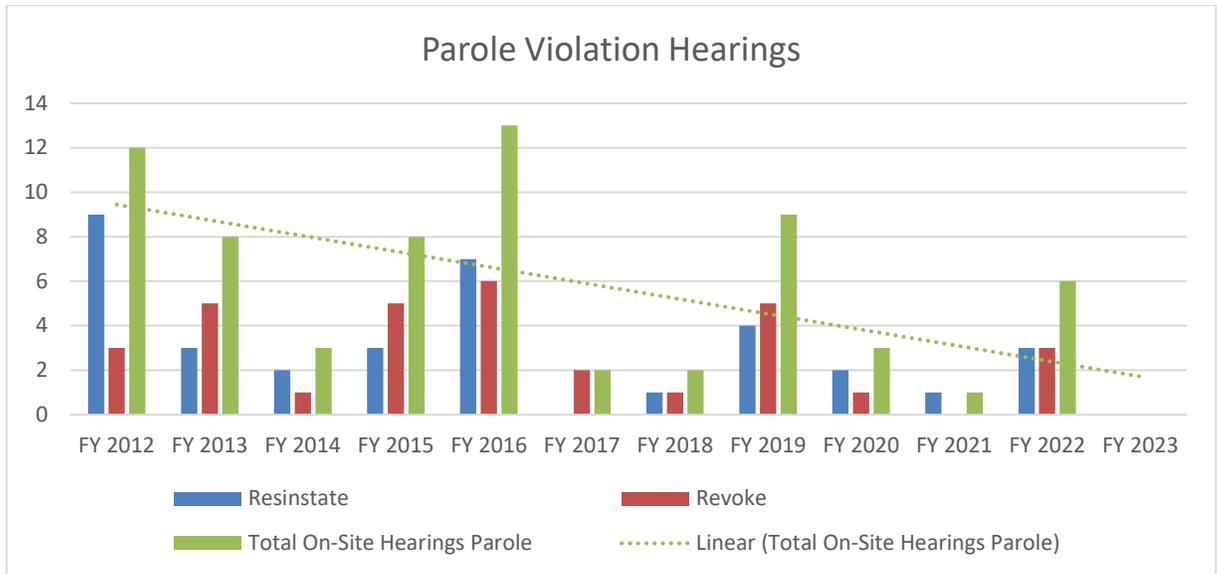
CCB hearings make up the largest percentage of violation hearings the Board holds and as the population in the community increases so do the number of violation hearings. To compound this trend, the longer an individual is on supervision the higher the likelihood they will be found to be in violation of their conditions of supervision.

This may not reflect the individual’s risk to reoffend, but a reflection of sustained monitoring. An example would be to have a police officer sit in the car each time a person drives for the rest of their life. The chances of being caught in a traffic violation significantly increases the more they drive and the more they are monitored. The majority of violations occur in the first 3-5 years after an individual is released and decline as time goes on. Despite this downward trend in both violations and risk to re-offend, a person on supervision for life naturally has a higher likelihood of violating their conditions of supervision the longer they are being supervised.



In FY22 and FY23 the ISRB held 305 CCB violation hearings and reinstated 43% while revoking 56%.

Pre-84 and Juvenile Board cases are on supervision for three years once found releasable by the Board. The trend of Pre-84 cases in violation hearings are the opposite of that of CCB cases most likely due to their finite duration on supervision, smaller population size and this population is declining as individuals are released complete their supervision. In FY22, the Board held six violation hearings for Pre-84 cases and no violation hearings for this population in FY23.



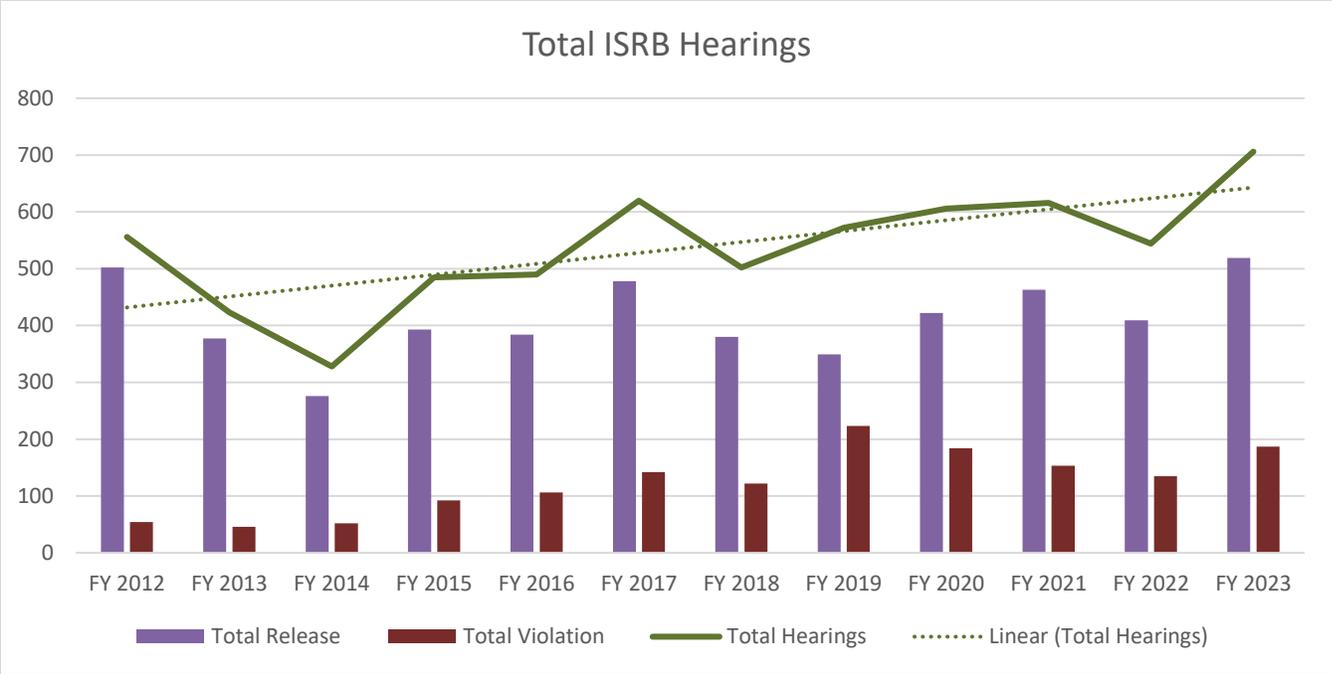
In FY22 and FY23, the Juvenile Board population had 54 violations committed by 11 individuals. The Board addressed the violations through eight hearings and 13 Stipulated Agreements.

In FY22 and FY23, there were a total 2,915 violations for all groups, and they were committed by 603 unique individuals. These violations were dealt primarily with 330 violation hearings and 686 Stipulated Agreements. The most common violations were for using controlled substances and/or alcohol, using pornography, unauthorized use or access of the internet and engaging in unauthorized romantic relationships.

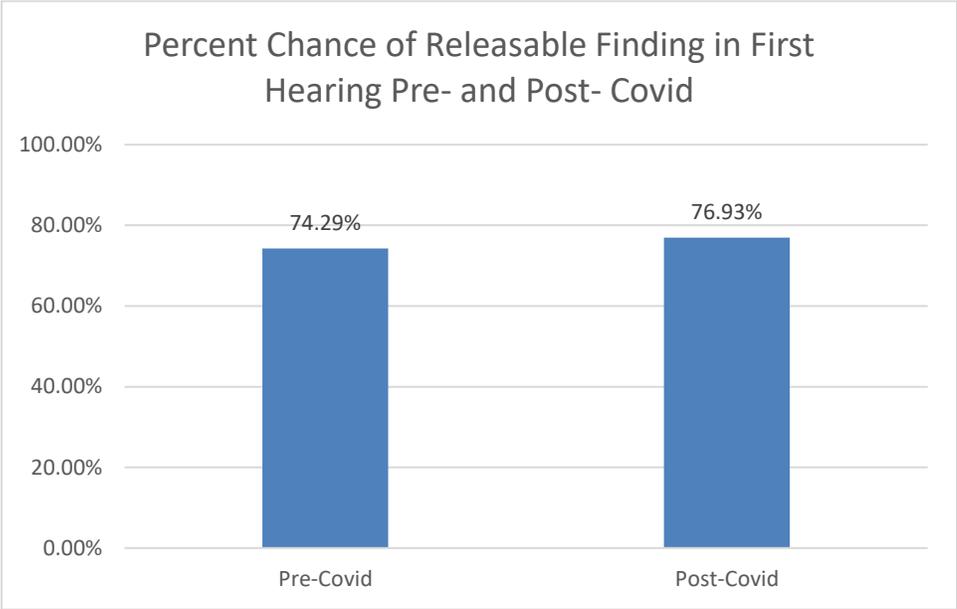
Consistent with criminal justice research, there is a small group of individuals committing most of the violations. While 603 individuals committed the violations, there were, at the time, approximately 1,500 individuals on supervision during that same timeframe. This suggests approximately 900 (60%) individuals did not commit or were not found to be in violation resulting in ISRB action during the same timeframe.

### Total Hearings

The Board moved to holding virtual hearings during the pandemic and this practice continues presently. Moving to virtual hearings, the Board was able to continue to fulfill its duties and hold a consistent number of release hearings during the pandemic and into FY23. Prior to the restrictions of the Covid 19 pandemic, Board Members travelled in person to prison and jail facilities throughout the state to conduct release and violation hearings. Overall, the number of hearings the Board is holding continues to increase annually. Moving to virtual hearings during the pandemic and continuing this practice has allowed the Board to absorb the additional hearings needed without having to significantly increase its resources. The financial and time savings of virtual hearings allows the Board to continue to hold the additional necessary hearings. These savings are expected to be exacerbated as the population grows requiring additional resources in the future.



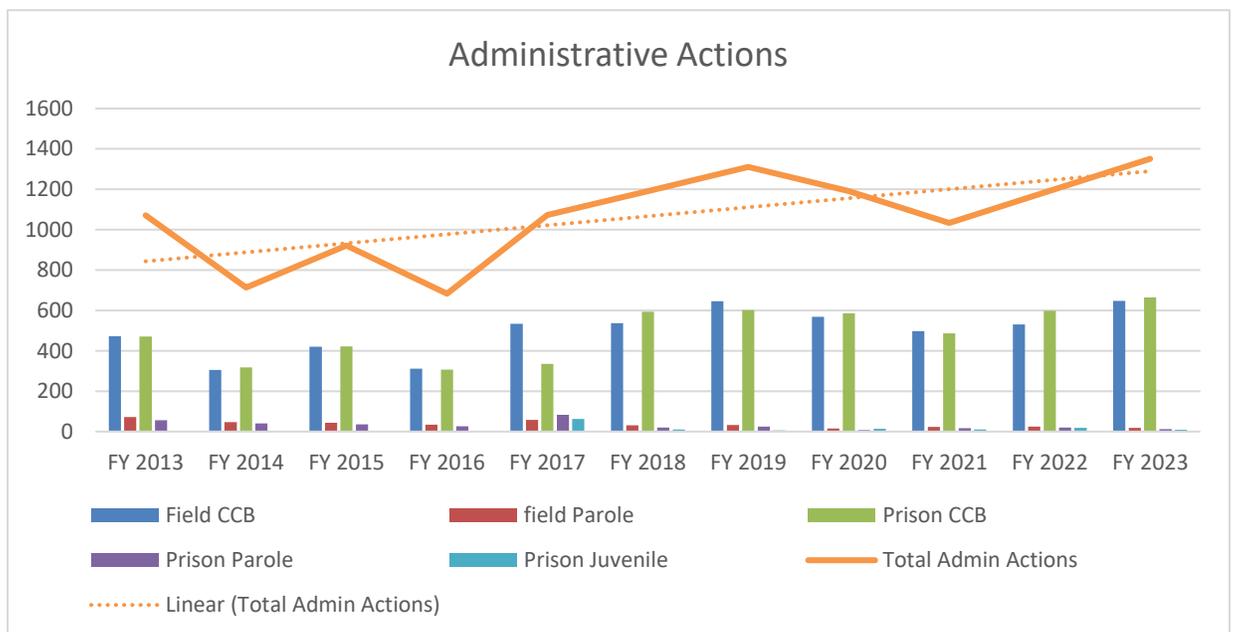
The Board requested the DOC Research and Data Analytics unit to examine ISRB outcomes to determine if there is a difference between pre and post pandemic with the Board moving to virtual hearings. When investigated, it was determined there was no statistically significant difference in outcomes when comparing the probability of finding someone releasable pre and post pandemic, which includes comparing in-person and virtual hearings.



## Administrative Actions

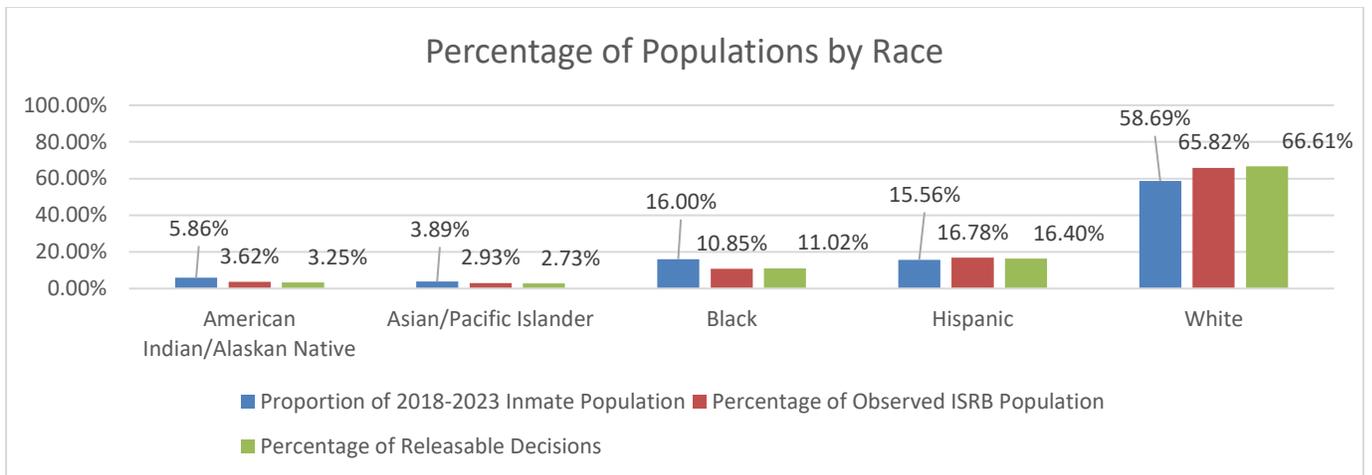
Administrative Actions by the Board encompasses a large volume of work done outside of hearings to fulfill the primary functions of the Board. Much of the work is responding to the needs of individuals under its jurisdiction. As demonstrated in the graph below, the number of Administrative Actions is growing commensurate with the population.

Administrative Actions for individuals in the field include, but are not limited to, revising, adding/removing conditions; administratively releasing the individual from jail; reinstating the individual after a violation and issuing warrants. Administrative Actions for individuals in prison include, but are not limited to, scheduling a hearing prior to an earned release date due to an individual completing recommendations after prior hearing; setting new minimum terms and review appeals of revocations.



## Equity in decisions

The Board values practicing diversity, equity, inclusion, and respect of all individuals. To act on this value the Board requested the DOC Research and Data Analytics (RDA) unit to examine its release decisions to determine if there was inequity in release decisions depending on the race of the individual. To examine this, RDA determined the racial breakdown of the DOC incarcerated population. Then determined the racial breakdown of the ISRB incarcerated population and compared it to the DOC incarcerated population. Next, it compared those ISRB individuals found releasable by race to the rates in which the race is represented in the DOC and ISRB total populations. When comparing those found releasable by the ISRB and the proportion of their racial category with the ISRB population and that of the overall DOC population, no statistically significant differences were found. This indicates the ISRB is practicing their value and finding individuals releasable equally regardless of their identified race.



## Primary Issues the ISRB Is Facing:

### Access to Drug and Alcohol Treatment:

One of the top reasons a supervised individual is returned to prison is for repeated use of illegal drugs. In Washington State and nationally the need for improved access to substance abuse treatment in the community is needed to assist individuals to recover from drug and alcohol addiction.

### Conditions:

As noted above, the Washington State Supreme Court recently interpreted RCW 9.94A.704 (10)(c) to require the conditions set by the Board to relate to all the following criteria 1) The crime of conviction, 2) the risk of reoffending, 3) the safety of the community. The interpretation of statute limits the ability of the Board to impose conditions of supervision. In turn, RCW 9.95.420(3)(a) and RCW 9.94A.730(3) provides the statutory criteria for a CCB and juvenile cases to be released. Both statutes require the Board to consider the mitigating effects of setting conditions to release an individual.

The primary limiting factor of this ruling is the Board is restricted to only set conditions as they relate to the crime of conviction for which the individual is under Board jurisdiction. This is problematic because the Board is unable to place conditions to mitigate risk factors of the individual that were not present in their crime of conviction, however, clearly increase the risk to reoffend and/or community safety. As an example, an individual may have committed a sexual offense against an adult which placed them under Board jurisdiction. While in treatment, they also disclose unadjudicated offenses against minors, or they have other convictions for crimes against minors. The Board would be unable to place conditions restricting them from contact with minors. Therefore, the individual may not be able to be found releasable and/or if found releasable, the Board would not be able to impose risk-related conditions that would mitigate risk of sexual re-offense.

This decision also restricts the Board from responding to new behavior while in the community. For example, if a supervised individual engages in concerning behavior that is not related to

their crime of conviction. The Board would be unable to impose conditions that may prevent the escalation of behavior that would become or is a risk of re-offense or a risk to community safety.

The Board also recognizes the difficulties in managing emerging technologies and risk to reoffend. Most of the CCB individuals are on supervision for life and many were sentenced prior to the internet becoming used in daily living. Some courts made conditions banning an individual from ever using the internet or other internet related restrictions, which many basic needs are met using the internet making it very difficult to not violate conditions overly restricting internet use.

**Population Growth:**

The population under the Board’s jurisdiction is growing, both in prison and in the community. As a result it has been necessary to add additional staff to keep up with the increasing caseload.

## Budget and Staffing

### Indeterminate Sentence Review Board - FY2022

Object Title	Budget	Actuals	Variance
FTE	20.0	19.8	0.2
[A] Salaries and Wages	1,625,868	1,630,448	(4,580)
[B] Employee Benefits	500,671	517,626	(16,955)
[E] Goods and Services	42,547	46,141	(3,594)
[G] Travel	44,944	21,185	23,759
[J] Capital Outlays	1,000	-	1,000
[N] Grants, Benefits & Client Services	172,845	105,781	67,064
<b>Grand Total</b>	<b>2,387,875</b>	<b>2,321,181</b>	<b>66,694</b>

### Indeterminate Sentence Review Board - FY2023

Object Title	Budget	Actuals	Variance
FTE	20.0	21.5	(1.5)
[A] Salaries and Wages	1,773,544	1,924,890	(151,346)
[B] Employee Benefits	547,283	648,209	(100,926)
[C] Professional Service Contracts	-	13,529	(13,529)
[E] Goods and Services	42,547	33,457	9,090
[G] Travel	45,993	31,676	14,317
[J] Capital Outlays	1,000	526	474
[N] Grants, Benefits & Client Services	172,845	136,803	36,042
[T] Intra-Agency Reimbursements	-	(132)	132
	<b>2,583,212</b>	<b>2,788,958</b>	<b>(205,746)</b>

During Fiscal Year 2022, we were all recovering from the COVID Pandemic and were unable to travel for hearings or trainings. This as well as other services being reduced, resulted in a savings to our budget. In Fiscal Year 2023, it was necessary to add three additional staff to assist in the increase in caseload as a result of Lifetime Supervision for certain individuals who have committed sex offenses. This variance is shown in Fiscal Year 2023. We are hopeful that the legislature will provide permanent funding this upcoming session. In addition, due to the hearings being held via video conference, the Board is able to maintain some savings.

## Projects and Accomplishments

### Training:

#### Training the ISRB and Staff participated in the last two years:

To keep up to date on topics that are relevant to the work of the ISRB, Board members and staff routinely participate in trainings to include, but not limited to: iCoach, Trauma Informed Care, and risk assessment. Many ISRB staff also attended the Association of Paroling Authorities International conference. The ISRB has been selected to be the host committee for the 2024 conference occurring in Bellevue.

- Prior to the Covid Pandemic, the ISRB maintained connection with DOC programs in and outside of prison to be familiar what is available to help individuals reduce their specific risk to reoffend. During the pandemic regular meetings with programs had reduced. Beginning in the Fall of 2023, the ISRB has restarted regular meetings with some of the DOC programs such as the Sex Offense Treatment and Assessment Program and the Substance Abuse treatment program.

In addition, the three Board Members and the Executive Director participated in a Community of Practice related to the Structured Decision-Making Framework sponsored by the National Institute of Corrections in September of 2022.

#### Training of stakeholders:

A survey was completed of DOC staff on their needs from the ISRB which resulted in Board members and staff providing trainings to facility staff and field offices on several occasions. Furthermore, the Board and staff provided trainings to the Washington Association of Prosecuting Attorneys (WAPA).

#### Board and Committee Work:

- Chair Kecia Rongen is an active participant on the Sentencing Guidelines Commission.
- Sex Offender Policy Board (SOPB): In March of 2022 the SOPB was tasked by the legislature with providing recommendations for sentencing alternatives for individuals convicted of a sexual offense and examining issues surrounding the topics of Failure to Register, “washouts” and lifetime supervision. Additionally, the SOPB continued to review the 2021 work of the Special Commitment Center and the oversight and management of Sexually Violent Predators after their implementation of legislation from 2021.

- The ISRB was represented by a Board Member Lori Ramsdell-Gilkey on the SOPB for the 2022 project as well as continued review of the 2021 project.
- In the summer of 2023, the legislature tasked the Sentencing Guidelines Commission and the Sex Offender Policy Board to examine a new proposed sentencing grid and re-rank felony sex offenses according to the new grid. Board Member Jill Getty and Executive Director Corey McNally participated in this project by providing data from the Board to help inform the SOPB's recommendations. The Board abstained from voting on the recommendations of the SOPB during this project.

#### Updating the Washington Administrative Code (WAC)

- As noted in 2021 report, the ISRB has identified rules which require revision to address the juvenile population, as well as updating language throughout the chapter dedicated to the ISRB. In the midst of this project, Jill Getty, the previous Executive Director was appointed as a Board Member in early 2023 and Corey McNally was hired as the new Executive Director shortly thereafter. This project continues to move forward and is making steady progress.

#### Strategic Planning

- The Board and staff engaged in strategic planning in the winter of 2022/2023 which resulted in four priorities to address in the next two years. The four areas are internal communication and education, external communication, and education, fully use the Structured Decision-Making Framework and finally, being more data driven. All four of these priorities are being addressed simultaneously.
  - For improving internal and external communications, the focus initially was on the external website and improving, updating, and adding to the Frequently Asked Questions (FAQs) which was completed in the Summer of 2023.
    - The Board is also working to develop short informational videos for internal and external stakeholders.
    - The Board has engaged in training sessions for DOC staff on four separate occasions since engaging in strategic planning and plans to continue this practice.
  - In September of 2023, the Board voted to fully implement the SDMF for all cases beginning in December of 2023.
  - The Board, for this report, has requested large amounts of data and has worked with the DOC Research and Data Analytics Unit for improving the on-going reports it receives. These reports allow the Board to monitor its critical activities and make decisions how to move forward in the future.
    - The Board is also tracking data regarding the SDMF for an external research study with Carleton University as well as monitoring internal consistency in using the framework.

## Structured Decision-Making Framework (SDMF)

- The SDMF is a structured professional judgement model that is a systematic compilation of key factors in which are reflective of best practice in risk assessment and release decision-making (Serin & Rieger, 2023). The SDMF helps Board members focus on factors that research has continued to demonstrate be related to the risk of re-offense to inform release decisions. Moreover, the SDMF is designed to help Board members remain consistent and fair in decision making.
- During this review period, Chair, Kecia Rongen worked with the authors to adapt the SDMF to be used specifically with individuals convicted of a sexual offense and revise the manual to include this information.
- The Board has adopted the SDMF and is working to use it for all the populations under its jurisdiction by December of 2023. The Board has been methodical on its implementation, monitoring as it uses it for more cases.
- The Board is in the process of collecting data for a research project with the developers at Carleton University in order to understand the impacts on decision making related to outcomes.
- Members of the Kentucky Parole Board attended a Board Meeting to observe the use and implementation of the SDMF by the ISRB in order to prepare to incorporate it into their decisions making process. This was sponsored by the National Institute of Corrections.

## Goals for next two years

### Follow through with Strategic Planning:

The Board will improve its communication with internal and external stakeholders, fully implement the SDMF and continue to develop using data in making decisions.

### Equity, Inclusion and Respect

The Board is dedicated to continuing to develop its knowledge of racial issues and make equitable and fair decisions. Many of the factors the Board considers when making release decisions are often products of decisions made about a case prior to the Board beginning its review.

The Board is aware of the factors associated with risk assessment scores and the potential impact on behavior and programming while incarcerated. The Board reaffirmed in its updated mission and vision statements, its dedication to make evidence informed decisions and seeks to continue to develop knowledge in this area and incorporate new information into its practices. This is not a two-year goal, but an on-going value the Board is invested to continuously develop in.

### Conditions Review

As the CCB population grows a goal of the Board is to examine the conditions of individuals who have been in the community and have remained crime free. Research indicates the longer an

individual remains in the community crime free, their risk for re-offense predictably declines over time (Thornton, Hanson, Kelly and Mundt (2019). As an individual's risk lowers over time, the Board would like to review conditions of individuals who have been crime free to determine the relevancy years after their initial release.

#### Association of Paroling Authorities International Conference (APAI)

The ISRB is hosting the 2024 APAI conference in Bellevue. It hopes to be successful in its responsibilities hosting the international conference.

## Board Members Education and Bio

### Kecia Rongen- Chair

Kecia has worked within the criminal justice system for over 25 years, specializing with individuals who have committed sex offenses as well as co-occurring disorders (mental health and substance abuse disorders). Just prior to coming to the Board, she served as the Administrator for Sexual Offender Programs within the Juvenile Rehabilitation Administration. In addition, she has served on a number of legislative workgroups related to policies for people who commit sex offenses. She has served as the Chair of the statewide Sex Offender Policy Board twice, a Board Member for the WA Association for the Treatment of Sexual Abusers (WATSA) and is currently the Vice-President for the Association of Paroling Authorities. In 2016, she was awarded the Philip L. Russell Ph.D. Achievement Award for Outstanding Contributor to the Field of Sex Offender and Victim Rehabilitation by WATSA. She has a BA in Psychology and a MA in Counseling. The Governor appointed her to the Board in 2012 and appointed her as Chair in September of 2015.

### Elyse Balmert- Member

Elyse has worked for more than 27 years in social services with the primary focus on victim services. She was the Department of Social and Health Services Program Administrator for the Victim/Witness Notification Program since 2003. She has been a member of the Department of Corrections Victim Services Committee since its inception, and the Washington Coalition of Sheriffs and Police Chiefs VINE Committee. She was a voting member on the End of Sentence Review Committee and the Sexually Violent Predator Sub-Committee for over 25 years. She was a voting member on the ESRC Juvenile Subcommittee since its inception. She has worked on a number of legislative and policy advisory groups. The Governor appointed Elyse in April of 2017.

## Jeff Patnode- Member

Jeff worked within the criminal justice system for 24 years before coming to the Board and his formal education is in the field of psychology. He has a breadth of experience in the criminal justice system, specializing in work with the sexual offender population, evidence-based programs, sentencing alternatives, and quality assurance development. He has received specialized training in a variety of cognitive behavioral treatments to include Dialectical Behavioral Therapy, Functional Family Therapy, Moral Recognition Therapy, and Aggression Replacement Training. Most recently, he served as the State's Administrator for Juvenile Sex Offender Programs as well as the Governor Appointed Commissioner for Interstate Compact for Juveniles. He has served as the Vice-Chair for the Sex Offender Policy Board, Chair of the End of Sentence Review (ESRC) Juvenile Subcommittee, Chair of the Washington State Council on Interstate Compact for Juveniles and voting member of the ESRC and Sexually Violent Predator Subcommittee. He has worked with the sexual offender population in a variety of capacities to include direct service and program administration in both institution and parole/community programs. Since being on the Board, he has continued to receive specialized training in post-conviction release assessment and criminal justice actuarial assessments. The Governor appointed Jeff to the Board in December of 2015, and he was appointed to a second term in April 2019.

## Lori Ramsdell-Gilkey- Member

Lori is an enrolled member of the Northern Arapaho Tribe. She began her career working as a Puyallup Tribal Officer after completing the BIA Law Enforcement Academy. Later she worked at Western State Hospital (WSH) for 3 years in the Forensics Unit. After receiving her BA in Law and Justice from CWU in 1989, she began working for the Department of Corrections. During her 26-year career she held many positions which included work as a Community Corrections Officer with a specialized caseload of sexual offenders, working at Reynolds Reentry, facilitating treatment programs in the community, conducting Statewide staff training, an appointment as the Hearings Unit Administrator for several years and Program Manager of the Law Enforcement Notification Unit. Lori was a participant on the Sex Offender Policy Board, the End of Sentence Review Committee, the Gender Responsive Initiative workgroup; PREA Implementation; and the WASPC Sex Offender Notification and Registration Committee. The Governor appointed her to the Board in April 2015. Since coming to the ISRB Lori has received specialized training in the use of actuarial tools to determine risk such as the STATIC99R and VRAG. She has twice attended the International Association of Paroling Authorities Conference as well as ATSA and WATSA conferences to remain updated on current practices in parole and sex offender treatment. The Governor appointed Lori to the Board in April of 2015 and to a second term in April of 2020.

## Jill Getty- Member

Jill has worked in the criminal justice field for 20 years, predominately with individuals who have committed sexual offenses and individuals with mental health disorders. She has spent 15 years with the Indeterminate Sentence Review Board (ISRB) where she began as a Hearing Investigator and was later appointed as the Executive Director. Jill also previously worked with the Department of Corrections as a Community Corrections Officer supervising a caseload of individuals convicted of sexual offenses, and as a Program Specialist with the Civil Commitment Program. She was a voting member of the End of Sentence Review Committee for several years and has conducted numerous statewide trainings. At the ISRB, she has also worked on program development and policy implementation and has been involved in many committees and legislative groups. The Governor appointed Jill to the Board in March of 2023.

## Corey McNally- Executive Director

Corey has worked with individuals convicted of a sexual offense for the past 15 years. He earned his BA in psychology in 2005 and his MS in clinical psychology in 2007 both from Eastern Washington University and he is a Licensed Mental Health Counselor. He began working at the Special Commitment Center (SCC) in 2008 and remained there until 2015 as a clinician, treating those deemed to be Sexually Violent Predators. Additionally, while working at the SCC he served on the Crisis Negotiations Team. In 2015, he began working for the Department of Corrections (DOC), as the Quality Assurance and Training Manager for the Sex Offense Treatment and Assessment Program (SOTAP). In this role, he researched and developed and with the help of the SOTAP leadership team implemented a modern up to date treatment program statewide. He is also a certified trainer in the Static 99R, Stable and Acute 2007 sex offender risk assessments. He has been active in policy development and working with the legislature and outside agencies to continuously improve the management of individuals convicted of a sexual offense in the community.

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