

Washington

Overview

Washington currently has a parole-like process in the form of an Indeterminate Sentence Review Board (ISRB) that reviews three types of cases: (1) Pre-1984 Offenses Eligible for Parole; (2) Certain sex offenses after 2001; and (3) Juveniles Sentenced to Life or more than 20 years. The parole board is appointed by the governor and approved by the Senate. It is composed of five members, each serving five year terms, expiring April 15th of the expiration year. Members are removable only for cause determined by the Superior Court of Thurston County. Members may not hold other business positions without the approval of the executive ethics board. They also may not serve as a representative of any political party or executive officer of any political committee.

In 1981, with the Sentencing Reform Act, Washington essentially eliminated parole. The act shifted sentencing in Washington from indeterminate to determinate. Those who were sentenced before 1984 remain eligible for review through the Indeterminate Sentence Review Board. Following the 2012 U.S. Supreme Court Case *Miller v. Alabama*, which ended life without the possibility of parole for juveniles, Washington created a juvenile review board (which is part of the Indeterminate Sentence Review Board) for youth sentenced to life or to a long sentence (more than 20 years). In 2001 Washington initiated determinate plus sentences for certain sex offenses. A person given a determinate plus sentence has their case reviewed by the Community Custody Board which is part of the Indeterminate Sentence Review Board.

Since the 1981 Sentencing Reform Act Washington essentially ended parole with few exceptions so generally there are not parolable life crimes with the following exceptions:

- **PRE-1984 Cases:** A person who was sentenced before 1984, according to the 1981 Sentencing Reform Act, may be eligible for parole when they have served the minimum time set on their sentence. They then receive a parole review date. The Board holds a hearing several months before the parole eligibility date (PERD). This date is figured based on the minimum term and prisoner earned time. The Board uses the hearing process to help them decide if the prisoner is releasable. If the Board decides the prisoner is not releasable, additional time may be added to that person's minimum term. Time can be added to a prisoner's sentence until the statutory maximum is reached.
- **Sentenced as Juveniles:** Juveniles convicted of Aggravated First Degree Murder must be re-sentenced by the sentencing court and may fall under the Board if sentenced to a term of less than Life-Without-Parole. Juveniles sentenced to 20 or more years may petition the Board after serving 20 years flat time, if they have not been convicted of a new crime after the age of 18 and have not had a serious infraction in the last 12 months. If the Board decides to not release them at their hearing, the Board indicates when the prisoner can petition again, up to 60 months. Juvenile Board prisoners have a presumption of release unless the Board determines by a preponderance of the evidence that the prisoner is more likely than not to commit new criminal law violations (RCW 10.95.030 & 9.94A.730).
- **Certain sex offenses:** Certain sex offenders have determinate-plus sentences. This means the sentencing judge sets a minimum prison term, in line with the Sentencing Reform Act sentencing guidelines. The maximum term is the statutory maximum term for the specific crime. The Indeterminate Sentence Review Board has a say in when

Community Custody Board (CCB) offenders actually leave prison.

Sentencing Details

The Persistent Offender Accountability Act (POAA) is a “three strikes” law that mandates a life without parole sentence for any individual convicted of a third “most serious offense.” “Most serious offenses” include all Class A felonies as well as other specific felonies, such as first and second degree assault, first and second degree robbery, and burglary. Those convicted of a “third strike” offense are sentenced to life without parole and have neither the chance of release nor the opportunity to appear in front of a parole board.

De facto life sentences according to the U.S. Sentencing Commission standard are 470 months (approximately 39 years) or more where parole does not exist. 679 prisoners are serving a de facto LWOP in WA state prisons. Prisoners convicted of Aggravated Murder accounted for 3 % of de facto life sentences, 68% were Homicide, 15% were Rape, 1% Robbery and 8% Assault. There are 128 individuals currently serving de facto life without parole sentences solely due to weapons enhancements (nearly 20% of the de facto LWOP population).

In Washington, defendants’ sentencing varies based on their “offender score”. A defendant with an “offender score” of 8 or more convicted of a level XV crime may receive a de facto life sentence for a single crime. Level XV crimes include: Homicide by Abuse (9A.32.055); Malicious Explosion of a Substance 1 (70.74.280(1)); Murder 1 (9A.32.030) -- Criminal Attempt (9A.28.020(3)(a)); Criminal Conspiracy (9A.28.040(3)(a)) Criminal Solicitation (9A.28.030(2)).

Weapons enhancements have contributed markedly to the growth of the de facto LWOP population. Nearly 20% of the de facto LWOP population (128 people) would not be serving 470 months or longer if they had not been charged with weapons enhancements. Of these individuals, 47 did not commit homicide. Even more striking is that there are 18 individuals in Washington serving 39 years - a de facto life sentence - due to weapons enhancements alone.

The Hard Time for Armed Crime Act (HTACA) provides mandatory sentence enhancements for crimes involving firearms. These enhancements apply to nearly all felonies and are based upon the statutory severity of the felony. Class C (least severe) felonies can be enhanced by either six or eighteen months per enhancement. Class A (most severe) felonies can be enhanced by two to five years per enhancement. Any added time must be served consecutively. The HTACA removed judicial discretion to reduce or alter an enhancement.

Parole Board

Kecia Rongen, Chair, has worked within the criminal justice system for 21 years, specializing with the sexual offender population. Prior to joining the Board, she served as Administrator for Sexual Offender Programs within the Juvenile Rehabilitation Administration. Worked on legislative workgroups related to sex offender management. She has served as the Chair of the statewide Sex Offender Policy Board twice, from 2010-2012 and 2014-2016 and also served as a Board Member for the WA Association for the Treatment of Sexual Abusers (WATSA). 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. The Governor appointed her to the Board in 2012, and appointed her as Chair in September of 2015. Her current term is for 4/17/2017-4/15/2022.

Elyse Balmert, Member, 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. Her current term is for 4/17/2017-4/15/2022.

Jeff Patnode, Member, has worked within the criminal justice system for nearly 24 years, specializing with the sexual offender population, evidence based programs, sentencing alternatives, and quality assurance development. Most recently, he served as the Administrator for Juvenile Sex Offender Programs as well as the 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. The Governor appointed Jeff to the Board in December of 2015. His current term is for 4/16/2019-4/15/2024.

Lori Ramsdell-Gilkey, Member, began her career with the Department of Corrections in 1989 as a Community Corrections Officer. In the last 26 years, she has worked with a specialized caseload of sex offenders, facilitated offender programs in the community, conducted staff training, was the Hearings Unit Administrator for several years and most recently was the Program Manager of the Law Enforcement Notification Unit. She was a participant in the Sex Offender Policy Board, the End of Sentence Review Committee, Gender Responsive Initiative; PREA Implementation; and the WASPC Sex Offender Notification and Registration Committee. The Governor appointed her to the Board in April 2015. Her current term is for 4/16/2015-4/15/2020.

Tana Wood, alternate member, Her current term is for 7/1/2016-4/15/2021. No bio found.

Functioning of the Parole Board

The three full time board members have the same duties. The Chair of the board is a full board member and also has director duties. The Chair is the face of the board and is the contact for the governor's office, legislators, and other paroling authorities across the country as well as other outreach. A panel of two board members travels to the prison to conduct hearings. The two panel members take turns running the hearing. A deferred decision is taken at the hearing and the final decision is made by the full board which is the Chair and three full time board members (in the event of a tie the alternate 5th member votes). The board members review each case before they meet with prisoners. The prisoner's counselor usually reports on behavior and progress, and if the prisoner is in sex offender treatment, the therapist is usually at the hearing as well to answer questions. The prisoner will have a chance to talk about their accomplishments and the board members will also ask them questions about the crime for which they have been convicted. The type of questions asked depend on the type of case.

Each person's case is looked at on an individual basis. Each decision is made by the full board, but the decision does not need to be unanimous. If there is a tie, they bring in the tie-breaker, part-time board member. The board member that leads the hearing writes the Decision and Reasons. They have certain templates for each type of case.

Written by Rose Harriott

Sources

See Washington Relevant Legislation