

## Comparison of ISRB, C&PB and Proposed Community Review Board\*

(Information gathered from agency contacts, current statutes, bylaws, policies, websites and HB 1789\*)

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
<b>Mission Statement or Stated Purpose</b>	<p><i>"The ISRB makes informed decisions essential to public safety regarding the confinement or release of individuals under its jurisdiction."</i></p> <p>ISRB Mission Statement</p>	<p><i>"The Board is created to assist the Governor in gathering the information necessary to exercise the pardoning power vested in the governor under the Washington State Constitution and such regulations and restrictions as may be prescribed by law."</i></p> <p>C&amp;PB Bylaws</p>	<p>The Community Review Board is created for the purpose of reviewing incarcerated offenders for possible early release after twenty years of confinement.</p>
<b>Authorizing Statutes</b>	<p>RCW 9.95.003, 9.95.150 and 9.95.009(2)</p> <p>Board established within Department of Corrections</p>	<p>RCW 9.94A.880 and 9.94A.885</p> <p>Board established within Office of the Governor</p>	<p>Legislative proposal HB 1789 (2018)</p> <p>Board created within the Office of the Governor</p>
<b>Purpose</b>	<p>Shall exercise independent judgment when making decisions about offenders, including but not limited to, concerning:</p> <ol style="list-style-type: none"> <li>1) offender release</li> <li>2) offender revocation</li> <li>3) offender reinstatement</li> <li>4) imposition of conditions of supervision</li> </ol>	<p>Board members shall be impartial and make their recommendations solely on the record presented to them through the process established by the Board.</p> <ol style="list-style-type: none"> <li>1) Receive petitions for review and commutation of sentences and pardoning of offenders in extraordinary cases and shall make recommendations thereon to the Governor.</li> <li>2) Receive petitions for restoration of civil rights lost by operation of state law as a result of convictions.</li> </ol>	<ol style="list-style-type: none"> <li>1) Determine early release dates for offenders</li> <li>2) Impose community custody, release conditions and violation sanctions on offenders</li> <li>3) Review and study research literature and issues related to incarceration, reentry, and reintegration of offenders for the purpose of improving the Board's decision-making process</li> </ol>
<b>Chair/Staff</b>	<p><u>Chair</u>: Designated by Governor</p> <p><u>Staff</u>: Provided by Department of Corrections</p>	<p><u>Chair</u>: Elected by Board</p> <p><u>Staff</u>: Provided by Attorney General</p>	<p><u>Chair</u>: Appointed by Governor</p> <p><u>Staff</u>: Provided by Office of the Governor</p>

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
<b>Members</b>	<p>Three (3) to Five (5) members</p> <p>Appointed by Governor, subject to confirmation by the Senate</p> <p><u>Term:</u> Five (5) years</p> <p><u>Qualifications:</u> None in statute. Preferred/desired qualifications include, but are not limited to, a degree in criminal law, criminal justice or public administration; significant work experience in some aspect of Washington’s criminal justice system; experience in applying basic legal concepts of due process and fundamental fairness; experience with state legislature; understanding of and ability to utilize the process of active listening; familiarity with criminogenic materials relating to risk assessment, effectiveness of treatment and best practices for assessing risk and offender reintegration.</p> <p><u>Compensation:</u> Salaries fixed by the Governor and travel expenses incurred in the discharge of official duties</p>	<p>Five (5) members</p> <p>Appointed by Governor, subject to confirmation by the Senate</p> <p><u>Term:</u> Four (4) years</p> <p><u>Qualifications:</u> Legally registered voter in the State of Washington</p> <p><u>Compensation:</u> Shall receive no compensation but be reimbursed for travel expenses.</p>	<p>Eleven (11) members</p> <p>Appointed by Governor</p> <p><u>Term:</u> Five (5) years</p> <p><u>Qualifications:</u></p> <ul style="list-style-type: none"> <li>a) Org representing communities of color or racial equity</li> <li>b) Statewide org representing crime victims</li> <li>c) Association, org or advocacy group with experience with the formerly incarcerated and successful community reentry</li> <li>d) Faith-based org with interest in successful community reentry</li> <li>e) Criminal defense lawyers</li> <li>f) Law enforcement</li> <li>g) Department of Corrections</li> <li>h) Prosecuting attorneys</li> <li>i) Person with experience and interest in tribal affairs</li> <li>j) Behavioral health professional</li> <li>k) Community member</li> </ul> <p><u>Compensation:</u> Salaries fixed by the Governor and travel expenses incurred in the discharge of official duties</p>

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
<b>Member Exclusions</b>	Board members and staff shall not engage in other business or profession or hold public office without prior approval of ethics board. Nor shall they serve as representative of any political party on an executive committee or other governing body; or as an executive officer or employee of any political committee or association.		Board members and staff shall not engage in other business or profession or hold public office without prior approval of ethics board. Nor shall they serve as representative of any political party on an executive committee or other governing body; or as an executive officer or employee of any political committee or association.
<b>Authority to:</b>	<p>Release inmates from prison and impose community custody term and conditions.</p> <p>Conduct hearings for violations of community custody and parole.</p> <p>In response to a community custody or parole violation, Board may:</p> <ul style="list-style-type: none"> <li>a) Transfer offender to more restrictive confinement status to serve remaining sentence for community custody/parole violation</li> <li>b) Impose sanctions in the community</li> <li>c) Suspend release and sanction up to 60 days confinement (sex offenders/juvenile board only)</li> <li>d) Revoke parole/release to community custody</li> </ul>	<p>Recommend commutation or pardon of petitioners' sentences to the Governor.</p>	<p>Recommend release for offenders to the Governor.</p> <p>Conduct hearings for violations of community custody.</p> <p>In response to a community custody violation, Board may:</p> <ul style="list-style-type: none"> <li>e) Transfer offender to more restrictive confinement status to serve remaining sentence for community custody violation</li> <li>f) Impose sanctions in the community</li> <li>g) Suspend release and sanction up to 60 days confinement</li> <li>h) Revoke release to community custody</li> </ul>

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
<b>Hearings</b>	<p><u>Frequency</u>: 30-35 per mon (release) 12 per mon (violation)</p> <p><u>Location</u>: State correctional institutions (except for violation hearings)</p> <p>At least two (2) members of the Board shall constitute a panel to transact business</p>	<p><u>Frequency</u>: shall meet quarterly, or as needed</p> <p><u>Location</u>: Preferred location is Olympia but hearing may be held at any location within the state.</p> <p>Three (3) members of the Board shall constitute a quorum for the transaction of business</p>	<p><u>Frequency</u>: at least four (4) times during each calendar year</p> <p><u>Location</u>: Shall meet at major correctional institutions at such times as may be necessary. Other times and places of meeting may be fixed by the Board.</p> <p>May meet and transact business in panels of at least five (5) members.</p>
<b>Information Considered</b>	<ul style="list-style-type: none"> <li>a) Original recommendation of the sentencing judge and prosecutor (requirement for pre-SRA cases only)</li> <li>b) Length of time served</li> <li>c) Actuarial risk assessment scores (static, dynamic and protective)</li> <li>d) Responsivity to programming (level and dosage of program)</li> <li>e) Institutional and previous supervision behavior</li> <li>f) Inmate change (participation, refusal, progress)</li> <li>g) Release plan</li> <li>h) Case specific information</li> <li>i) Discordant information</li> <li>j) Input from victims</li> <li>k) Public safety</li> <li>l) Statutory direction</li> </ul>	<ul style="list-style-type: none"> <li>a) Petition which may include such information as: <ul style="list-style-type: none"> <li>i. Seriousness of offense</li> <li>ii. Impact on victims</li> <li>iii. Significant and documented need for clemency</li> <li>iv. Acceptance of responsibility, remorse, and atonement</li> <li>v. Personal development and positive life changes since offense</li> <li>vi. Criminal history and other relevant background</li> <li>vii. Complied with all obligations imposed by court</li> <li>viii. Amount of time elapsed since offense</li> <li>ix. Risk or benefit to the community</li> </ul> </li> <li>b) Certified copy of infraction history</li> <li>c) Medical records</li> </ul>	<ul style="list-style-type: none"> <li>a) DOC examination of the offender</li> <li>b) Offense</li> <li>c) Offender's sentence</li> <li>d) Any relevant findings of the sentencing court</li> <li>e) Offender's time served in total confinement</li> <li>f) Criminal history</li> <li>g) Risk assessment scores</li> <li>h) Behavior before and during incarceration including infraction, educational and work histories</li> <li>i) Responsivity to programming</li> <li>j) Acceptance of responsibility, remorse and atonement</li> <li>k) Personal development and life changes since offense occurred</li> <li>l) Social and medical history</li> <li>m) Input from victims</li> </ul>

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
		d) ISRB case analysis (as applicable) e) DOC case analysis (as applicable) f) Input from victims g) Input from prosecuting attorney	n) Input from prosecutors, defense attorneys and judges involved in sentence o) Input from community including those who pledge support of the offender if released p) Resources in community to facilitate successful reentry if released q) Any other relevant factors
<b>Result</b>	Offender is released from prison and placed on parole/community custody for amount of time as determined by the Board, except for sex offenders whose supervision is determined by their sentence max.	Offender is forgiven of a crime (pardon) or has his/her sentence reduced (commutation) whereby he/she is released from prison. Commutations will require a 15-18 mo in-custody transition term. Upon release, the Governor may require a term of community custody, usually between 12-36 months, for commuted cases which is based on the DOC transition plan.  Offender can receive a restoration of their right to engage in political office.	Offender is released from prison and placed on community custody for amount of time as determined by the Board.

	<b>Indeterminate Sentence Review Board</b>	<b>Clemency and Pardons Board</b>	<b>Community Review Board</b>
<b>Legal Representation for Inmate</b>	<p>Indeterminate inmates may be represented by an attorney at their own cost. Or, they may seek to be represented by prison services attorneys at no cost.</p> <p>Sex offenders and juvenile board cases may be represented by an attorney at their own cost. An attorney may be appointed by the Board for special needs (cognitive impairment, mental health needs)</p>	Petitioners may be represented by an attorney at their own cost.	N/A