

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
The Virginia Criminal Sentencing Commission
June 23, 1997
Meeting Minutes

Members Present:

Judge Gates, Judge Bach, Robert Bobb, Jo Ann Bruce, Frank Ferguson, Judge Honts, Judge Johnston, Judge McGlothlin, Reverend Ricketts, Judge Stewart and Bobby Vassar

Members Absent:

Richard Cullen, Lane Kneedler and Judge Newman

Agenda

I. Approval of Minutes

Approval of the minutes from the April 14, 1997 was the first item on the agenda. The Commission unanimously approved the minutes.

Judge Gates then asked Ms. Farrar-Owens to discuss the next item on the agenda, an update on the compliance rates for the sentencing guidelines.

II. Sentencing Guidelines Compliance Report

Ms. Farrar-Owens presented a series of charts to summarize the compliance rate patterns and trends. She explained that the presentation is condensed and a complete compliance update is in the packets.

Recommended and Actual Disposition: For the time period January 1, 1995 through June 17, 1997, over 32,000 work sheets were submitted to the Commission. Ms. Farrar-Owens said that judges are continuing to use probation and jail sanctions more often than they are recommended and prison sanctions slightly less often than recommended by the guidelines. Probation sanctions include sentences to boot camp and detention centers. Beginning July 1, these sanctions will be considered incarceration for the purposes of the guidelines. She said at the next meeting, the commission will be presented with compliance results that reflect this change.

Sentencing Guidelines Compliance: Ms. Farrar-Owens noted that the overall compliance rate continues to remain at 75%. This figure stabilized very quickly after the introduction of truth in sentencing. Over half of the departures from the guidelines are sentences above the guidelines. Judges imposed sentences higher than the guidelines in 13.6% of the cases and imposed sanctions lower than the guidelines 11.2% of the time.

Compliance by Offense: Ms. Farrar-Owens observed that larceny, with a compliance rate of 82.9%, was the offense group with the highest compliance rate. In contrast, kidnapping offenses, with a rate of 53.3%, yielded the lowest compliance rate. Ms. Farrar-Owens noted that for the first time we have a violent offense with a higher compliance rate than a property offense group. The compliance rate for assault (69.1%) is higher than the rate for burglary of a dwelling (67.6%). She recalled that burglary of a dwelling was defined as a violent offense by the General Assembly for the purposes of receiving midpoint enhancements for the instant offense.

Compliance by Circuit: Ms. Farrar-Owens stated that compliance rates varied greatly across circuits. The circuit-specific compliance rates range from a high of 87% to a low of 63%. Of those circuits with high compliance rates, Circuit 7 (Newport News) and Circuit 8 (Hampton) have compliance rates of 86.5% and 85.6% respectively. She also noted that nine circuits have compliance rates above 80% and nine circuits have rates below 70%. Thirteen circuits have compliance rates in the seventies.

Reasons for Departure: Ms. Farrar-Owens next presented information concerning the reasons judges cite when sentencing above or below the guidelines. For the time period January, 1995 through June, 1997, when judges have sentenced below the guidelines, they cited alternative sanction in 20% of the cases. Alternative sanctions include boot camp incarceration, detention and diversion centers, or any community-based program. In 15.7% of the mitigation cases, judges noted the offender's potential for rehabilitation as a rationale for imposing a term below the guidelines. The reasons for aggravation have not changed substantially since the last meeting. The degree of criminal orientation of the offender and having previous convictions for the same offense as the current conviction still lead the reasons for upward departures from the guidelines at around 13% each.

Method of Adjudication: Ms. Farrar-Owens then presented information concerning the method of adjudication. For the time period January, 1995 through June, 1997, 83% of the cases have resulted from a guilty plea, and only 15% of the cases have been tried by a judge. Overall, only 2.4% of the cases have been tried by a jury.

Sentencing Guidelines Compliance in Jury Cases: Ms. Farrar-Owens proceeded to discuss sentencing guidelines compliance in jury cases. Of the 766 jury cases, jury sentences were within the guidelines 42.7% of the time. Juries imposed sentences higher than the guidelines in 45.2% of the cases and imposed sanctions lower than the guidelines 12.1% of the time. She noted that only 29.6% of the jury sentences were modified by judges. In about 12% of all jury cases, the judge brings a jury sentence that is beyond the guidelines into compliance with the guidelines recommendation.

Ms. Farrar-Owens then presented information on sentencing guidelines compliance in other states which was requested at the last full commission meeting. The states that have similar sentencing structures to Virginia are Delaware, Florida, Kansas, North Carolina, Washington and the Federal System. In the 1996 annual report analysis, the staff found that Virginia's guidelines recommend as harsh or harsher penalties than these

other states for nearly all the offenses examined. She said that the analysis found that compliance is not comparable across states and across the various guidelines systems. Each state defines compliance in its own way and has established different standards for what is considered compliance. In addition some states have broader or narrower ranges which can affect compliance figures. Ms. Farrar-Owens gave a brief analysis of each states' compliance information. She concluded by saying that compliance is not really comparable by state. Each guidelines system was developed differently and has its own nuances.

III. Community Corrections Options for State Responsible Felons - Status Report

Judge Gates said for the first time the guidelines will recommend detention center incarceration for offenders convicted of selling 1 gram or less of cocaine. The commission also successfully sponsored legislation that will allow judges to suspend the mandatory minimum term for habitual traffic offender on the condition that they complete detention center, diversion center or boot camp program. This will further the demand of detention centers in Virginia. He then introduced Walt Pulliam from the Department of Corrections (DOC) to talk about the options for state responsible felons in terms of community corrections.

Mr. Pulliam began by presenting a chart summarizing the sentencing options for state felons. He also handed out a Community Corrections Status Report for June 1997. The flow chart presented first the less restrictive option such as probation to the most restrictive which is prison. DOC has noticed that 80% of inmates sentenced under the no-parole legislation are being released with a probation obligation. He noted that relatively few inmates have the post-release sentence supervision add-on. There are still a large number of inmates that are eligible for parole in the system.

Mr. Pulliam said that DOC is undertaking a new program called COPPS which is community oriented probation and parole services. This program is trying to incorporate the same principles as community policing. He then talked about intensive supervision program which relates to diversion, detention and boot camps. These are people who graduated from these programs successfully and returned to the community under intensive supervision. He thanked the legislator and the support of the crime commission for their help in adding new officers to the intensive probation program.

He continued by saying that with the increasing use of home electronic monitoring, most of the 25 units have a waiting list. The day reporting centers program are doing well in urban areas. The offenders must check in every day at the center. Mr. Pulliam said that despite the no-parole legislation the number of offenders coming into the community corrections system are rising, but he noted that the number of offenders on parole are declining.

Dr. Kern asked Mr. Pulliam to speak about programs like the diversion and detention centers. He said that the diversion center is very similar to work release. There are

correctional guards at the diversion center but the area is not secured by a fence. Offenders at the diversion center go through a period of substance abuse education which DOC calls Life Skills Training. This training also includes how to get, keep and maintain a job. Mr. Pulliam said DOC is trying to expand this program. DOC opened a new diversion center that serves women in Richmond. The facility is located on 2nd Street and houses 36 women. He encouraged members of the commission to take a tour of the facility. DOC is converting the Chesterfield Community Correctional Center which is a state work release center for men to a diversion center.

Mr. Pulliam then spoke about detention center programs around the state. The detention center located in Southhampton can hold 150 male inmates. DOC also operated a second detention center in Nottoway. He said that this center will be converted to an inmate work center. Mr. Pulliam said that the next detention center which will house 500 beds will open in Stafford and the first inmate is expected in July. Inmates in detention centers go out in the community and work.

A detention center for women is located in Southhampton. This center is still being renovated and will house 50 beds when the work is complete. There are two detention centers for men and only one for women. The detention center does have a military atmosphere which is not as demanding as a boot camp incarceration program.

He then spoke about boot camps around the state. Boot camps have been in place for six years in Virginia. DOC studied 1300 graduates and he noted that only 12% re-offended. Mr. Christie said due to the change in the habitual traffic offender legislation the number of inmates in these programs are going to increase, how is DOC dealing with this change in the law. He answered that DOC will accelerate their plans to expand the correctional field units. Mr. Pulliam thought that DOC could handle the change in law in the short term for male offender. He felt that DOC could not accommodate women in the short term and additional facilities are needed. Mr. Christie asked in the present of Michael Maul and Dick Hickman, do you think community corrections from a budget standpoint is going to need additional fiscal needs to build more facilities. Mr. Pulliam said that he is unsure about the future plans of community corrections.

Judge Stewart also added that the risk assessment project could add 1700 diverted offenders into the these types of sanctions. He questioned if DOC could handle this load. Mr. Pulliam said he does not have an easy answer for that question. Judge Honts wondered if any of the detention centers could take handicapped offenders. Mr. Pulliam answered that there was a need for this type of facility but DOC does not accommodate for the physical handicapped. Mr. Decker commented that diverted offenders cost around \$7,500 a year while prison inmates cost about \$22,000 a year, is this cost correct. Mr. Pulliam said that those number are calculated by the number of inmates housed at one time so the number is not stable. Mr. Decker said that the number of inmates diverted due to risk assessment would actually save money. Judge McGlothlin felt that community corrections means help your community. When he sentences offenders to community corrections in southwest Virginia they are send out of the area to Southhampton. Judges, attorneys and defendants do not consider this community

corrections. He asked Mr. Pulliam are there any plans to open a site in the Roanoke area. Mr. Pulliam agreed that there is a need for a site in southwest Virginia but that is an administrative choice. In closing he invited the commission to take a tour of Southhampton Correctional Center. Judge Gates thanked him and said that Dr. Kern could coordinator with Mr. Pulliam a date for the tour of the facility.

Judge Gates then asked Dr. Hunt to discuss the next item on the agenda, an update from the Research Subcommittee.

IV. Research Subcommittee Report on Risk Assessment Project

Judge Stewart remarked that §17-235 directs the Commission to develop a risk assessment instrument and apply it to non-violent offenders. He said that through analysis and research, the guidelines could be modified to include a risk assessment instrument which could divert from incarceration some number of non-violent offenders, who otherwise would be recommended for prison, to alternative punishments. The research subcommittee will present their proposal to the full commission for their approval. He reminded the commission that Dr. Hunt will be talking about offenders who committed non-violent crimes. Judge Stewart then asked Dr. Hunt to discuss the proposal to the commission

Dr. Hunt began by reviewing information that has been presented in past meetings. Risk assessment involves estimating an individual's likelihood of continued involvement in crime and classifying offenders regarding their relative risk of such continued involvement. Dr. Hunt said that using risk assessment means developing profiles or composites based on overall group outcomes. Groups that statistically demonstrate a high degree of re-offending will be labeled high risk. The standard used to judge risk classification is not perfection, but the degree to which current practice (i.e., existing recidivism rate) can be improved. The risk assessment instrument will determine the feasibility of placing 25% nonviolent offenders in alternative sanctions like boot camp, day fines, diversion center, detention center, home incarceration, day reporting, ISP, probation and community service.

He continued by saying that nonviolent felony offenders were defined to be those convicted of the crimes of fraud, larceny, sale or possession of drugs and certain burglaries. The commission voted in favor to include offenders with jail recommendations for diversion. Race was also removed from the study because it was voted as not appropriate. Race stands in for other factors that are not well measured, such as social and economic status.

Dr. Hunt said that the research subcommittee will recommend their recommendations this morning three items: 1.) completed work sheet with scoring, 2.) number of offenders to divert and 3.) locations to begin the pilot program. He then spoke about the purposes of state and local community corrections. The primary purposes are public safety and to reduce recidivism. Community corrections for local responsible offenders are available

in about 85% of the jurisdictions. There are programs in 36 localities which present 109 jurisdictions.

The subcommittee decided not to cap their diversion recommendation based on current program availability. State diversion programs are expected to receive many new offenders due to 1997 legislative action on guidelines recommendations. Dr. Hunt then began to speak about the work sheet factors and weights. The subcommittee reviewed the factors and weights on the work sheet and Dr. Hunt provided a rough draft to the full commission. He reviewed the relative important of the factors on the work sheet. The subcommittee removed race as a factor from the work sheet. Judge Stewart mentioned briefly that the full commission may want to remove the factor that adds one point for the offender being a male.

Dr. Hunt discussed the risk assessment work sheet factors and weights. Based on the statistical analysis, age (31%) was the highest predictor of recidivism. Race was also a high predictor of re-offending at 13%. Dr. Hunt noted that a few factors like prior adult record, prior adult incarceration, and juvenile detention influence recidivism probabilities. Those factors which prove to be most relevant to the likelihood of recidivism are identified as key predictors. Mr. Christie asked if the prior record of these offenders are non-violent. Dr. Hunt replied that all offenders in this study are non-violent. Mr. Fuller added that he felt that drug offenders are violent and should be considered dangerous. Dr. Hunt said that during parole abolition drugs were considered non-violent therefore the subcommittee followed that legislation. Mr. Fuller said that he was in favor of diverting drug offenders into these state programs but he still felt that drugs offenders are capable of violence. Judge Stewart said the subcommittee could easily change the name on the work sheet. Mr. Vassar said the commission could label the sheet, drugs or non-violent offenses. Mr. Decker said that under the federal system drugs are considered violent. He felt that the commission should be concerned about this issue. Mr. Christie moved for that change on the work sheet. Judge Gates asked the commission to vote on that recommendation. The Commission unanimously approved the recommendation.

Judge McGlothlin commented that the public may see the risk assessment as a way to let drug sellers out on the street again. He believed that risk assessment may be a hard sell to judges and prosecutors. Mr. Christie commented that the guidelines terminology has changed and detention centers, boot camp and diversion centers are now considered incarceration. He asked Judge Stewart how would risk assessment work in conjunction with the new drug guidelines in regard to quantity. If a guidelines is scored high due to quantity would the judge have the new form completed. Judge Stewart the risk assessment is strictly discretionary and it is a tool to assist judges. He believed that the risk assessment form would be filled out on the offender. Judge Bach asked did the subcommittee consider a cut-off for the amount of drugs involved. He felt that risk assessment should be for low level dealers selling small amounts of cocaine. Judge McGlothlin said the number of cases that the subcommittee analyzed were low level dealers selling small amounts of drugs. Mr. Christie felt that the commission should add a factor to the risk assessment that if the offender sold 28 grams (1 ounce) or more they

should not be eligible for risk assessment. Mr. Decker felt that the offender should be eligible but they should receive extra points for the larger quantity of drugs.

Judge Stewart noted that the commission could change the title again to read drug (28 grams or less) or non-violent offenses. Judge Johnston agreed with Judge Stewart and Mr. Christie that the guidelines should achieve consistency with the drug issue. Judge Gates asked the commission to vote on this recommendation to change the definition of eligible so that a drug sale more than 28 grams (1 ounce) would not be included. The commission voted unanimously in favor of the recommendation.

Dr. Hunt continued his presentation by saying that the subcommittee decided to remove race from the work sheet because an offender's race itself does not lead one to expect higher risk. Factors that can not be measured well overlap with race such as economic deprivation and substandard education. The subcommittee felt that including race would unjustly penalize individuals who do not have such risk factors but happen to be non-white. Race was statistically removed from the work sheet rather than simply dropped. If race was dropped from the model it would not remove the effect of race. For example, if more non-whites are unemployed, then dropping race but leaving unemployed will actually bias against non-whites. Dr. Hunt said that unemployment would simply carry the weight of non-whites, therefore statistical removal leaves unemployment without race bias. Mr. Ferguson felt that the subcommittee may be removing a predictive factor like race. He agreed and understood why the subcommittee left this factor out but was education checked on these offenders. Dr. Hunt said education was not significant. Mr. Ferguson wondered if all the offenders had a poor amount of education. Dr. Hunt said that most of the offenders had a high school education and several had a college degree. Most of the marijuana offenders had a high education. Dr. Hunt said he would address that question fully later in the presentation.

He then spoke about the effects of removing gender from the work sheet. There are 2,000 offenders in the study sample. When factors are removed from the work sheet some offenders will be recommended for diversion that normally would not be. These offenders would be a borderline group not a high-risk offender group.

Judge Stewart said that the subcommittee discussed the possibility of removing the male factor from the work sheet. The subcommittee felt that an inmate would try to sue us because the commission gave him a point on the work sheet because he was a man. Judge Stewart said that the inmate would lose because this risk assessment tool is discretionary and not subject to appeal. The subcommittee did not reach a conclusion on this matter and they decided to bring it up to the full commission. Mr. Christie suggested using a gradient like score from 0-9 are a low risk versus score of 13-15 are a high risk offender. Judge Stewart said the subcommittee decided either the offender was recommended for diversion or not. Mr. Vassar thought that Mr. Christie had a good idea. Mr. Christie believed that the male factor could be a PR problem for the commission. Mr. Ferguson commented that it could be a legal problem but not a PR issue. Judge Stewart then commented that Mr. Christie's idea about a scale was an excellent idea(scores 0-9 low risk, 10-12 some risk, 13-15 high risk). He felt that this is a pilot

project and maybe we should try the ranges. Judge McGlothlin agreed that the more information that the commission can give to the judges the better the tool. Judge Gates asked are we missing the point, if the statistics show that the score of 9 and above should receive incarceration then the commission should recommend that sanction. Judge Stewart felt that these ideas are not going to permanent because this is a pilot project therefore the commission is going to find some errors.

Mr. Decker made a motion to remove the male factor from the work sheet. The motion was seconded. Judge Stewart and Judge McGlothlin disagreed with the motion. Judge Gates asked the commission to vote on this recommendation to remove the male category from the work sheet. The commission voted 5-9 against the recommendation. Judge Stewart reminded the commission that this is a pilot program and will likely change. Mr. Christie suggested that the male factor should be presented as a classification issue. Judge Gates replied that is not why the factor is on the work sheet. He said if he was asked why the commission added one point for being a male he would say that statistics show that male are a higher risk.

Dr. Hunt continued his presentation by showing the estimated diversions and corresponding failure rates by work sheet cutoff scores. An offender scoring less than ten points will be recommended for diversion. If commission votes on this recommended score then 25% of offenders recommended for prison will be diverted. Also, 47% of offenders recommended for jail will be diverted.

The subcommittee also studied the prospects for violent re-offending. Only 4 offenders out of 600 recommended for diversion committed a violent offense after release. Dr. Hunt stated that no risk assessment instrument will remove all violent re-offending. Several models were developed but none improved the prediction of violent re-offending. Using the current work sheet the following diversions will total 2,482 offenders (971 prison, 1,511 jail). The first year of the risk assessment will be smaller due to selected sites. The sites selected are Portsmouth (Circuit 3), Suffolk (Circuit 5), Henrico (Circuit 14), Fairfax (Circuit 19), Danville (Circuit 22), southwest Virginia (Circuits 28, 29, and 30), and Prince William (Circuit 31). The risk assessment will require a pre-sentence report which will increase the work load for probation officers. Judge Stewart commented that the subcommittee picked these sites because of a large numbers of cases, geography, and the existence of diversion programs. He noted that none of these circuits have been asked to participate in the study therefore some may not be willing to do it. The commission needs at least five circuits for the pilot study.

Judge Gates asked the commission to vote on the continuation of the risk assessment project in the pilot sites. The commission voted unanimously in favor of the recommendation.

There being no further comments on this matter, Judge Gates turned to the next item on the agenda and asked Ms. Smith Mason to provide an overview of the new sentencing guidelines manual and work sheets.

V. 1997 Edition of Sentencing Guidelines Manual/Work Sheet & Training Seminar Schedule

Ms. Smith Mason said that she was going to talk about three items which are training, manuals and work sheets. A complete shipment of manuals have been mailed to probation officers and judges. A partial shipment has been mailed to the commonwealth attorneys and public defenders because of the lack of manuals. The manuals are been shipped as soon as possible to these groups when they are delivered to the commission. Printer and binding problems have caused a delay in the production of the manuals.

Ms. Smith Mason said the commission printed 200,000 work sheets and we have shipped out 175,000. There are several offices that are calling for additional work sheets. This gives the staff the indication that work sheets are being abused in the field.

There are two training seminars being offered this summer. One training seminar is called 'What is new in 1997', this class will highlight the changes that will occur July 1, 1997. Dr. Kern spoke at the judges conference in Norfolk about the same changes last month. This class has been approved for one hour of mandatory continuing legal education credit (MCLE) for attorneys and the DOC has also approved the class for credit for probation/parole officers. The other training course is called 'The Basics'. This class is an introductory class for guidelines users. This class has been approved for 3 hours of MCLE.

Ms. Smith Mason then reviewed the brochure that was included in the packets. There are about 52 training sessions being offered this summer. She said that training started June 12 and will not conclude until the middle of August. In regards to registration, she said that 138 commonwealth attorneys, 352 defense attorneys and 324 probation officers have registered for training seminars. She expected that the number would grow throughout the summer.

She then asked Mr. Fridley to hand out the new probation revocation form. Ms. Smith Mason briefly described the revocation form to the commission. The information on this form could be valuable to the staff assigned to forecasting prison and jail populations. This probation revocation form will take effect July 1, 1997. Judge Johnston commented that he removes offenders from probation and assigns them to good behavior and he questioned if that situation needed a revocation form. Mr. Fridley said that situation does not apply. Judge Honts asked about the violation to pay fines and the cost of restitution and if this factor was on the form. Ms. Smith Mason said to use the option fail to follow special conditions.

Judge Gates turned to the next item on the agenda and asked Ms. Farrar-Owens to provide an overview of the Offense Serious Study results.

VI. Research Studies Update

Ms. Farrar-Owens presented a series of charts to summarize the results of the offense seriousness study. She explained that the survey asked respondents to rate the seriousness of various crimes relative to a particular standard crime.

The analysis revealed that there were significant differences across professional groups in how crimes were rated. She said that the results in the handout are by professional group. The offenses are ordered on the judges' scale for most serious to the less serious. Overall, judges and Commonwealth's attorneys tended to score offenses similarly to each other, and private attorneys and public defenders tended to score offenses similarly to each other. In general, judges and Commonwealth's attorneys scored offenses higher than the defense attorneys. She also noted that a small number of Commonwealth's attorneys responded to the invitation to participate in the survey (only 52). The results for that group are less reliable than for the other groups.

She said that Dr. Kern has spoken to Walter Felton of the Commonwealth's Attorneys Training Council about re-inviting Commonwealth's attorneys to participate. Mr. Felton suggested that the commission write to the Commonwealth's Attorneys again with the invitation, and he suggested that the commission provide them a summary of the survey results to date.

Ms. Farrar-Owens provided an excerpt of the results for the violation of §18.2-248(C). This results show that the two groups of defense attorneys rate these crimes much less seriously than the judges and Commonwealth's attorneys, in some cases as little as half as serious.

Ms. Farrar-Owens talked about another follow-up item, the possibility of surveying Virginia's citizens regarding perceived crime seriousness, from the last meeting. The premier survey organization in the area is the Survey Research Lab at Virginia Commonwealth University. This survey would be a difficult and expensive undertaking for the commission. She believed that the results of citizens would have very limited value in terms of the research applications she had in mind at this point.

She asked to commission permission to go forward with a special study for embezzlement cases. Ms. Farrar-Owens wanted to study the relationship between the amount embezzled and effective sentence. Once the data collection and analysis has taken place, she will present the results to the commission later this year.

VII. Miscellaneous Items

Judge Gates next asked Dr. Kern to cover a number of miscellaneous items left on the agenda. The first item dealt with staff recruitment. Dr. Sridharan left the commission in January and his position will be filled by Ms. Kim Floyd. She will start his position on July 1, 1997. She is a Ph.D. candidate at VCU in the studies of social psychology. Ms.

Floyd teaches graduate level statistics courses at VCU. She will be a great addition to the staff.

Dr. Kern then talked about the juvenile sentencing grant application. The General Assembly instructed the Department of Criminal Justice Services to set aside some federal grant funds to support the Commission's efforts to study the sentencing of juveniles for serious offenses. The staff recently prepared a grant application for federal funds to the Department of Criminal Justice Services for this study. The Commission requested grant funds are \$107,000. The money will support some temporary personnel and their overhead who will work with the Department of Juvenile Justice and the Commission's Juvenile Sentencing Study Subcommittee to establish the data system. Dr. Kern said that the commission was awarded \$106,000 to complete the study. The Subcommittee will begin to fill positions needed to accomplish the task. The grant will run for a full year and expire on June 30, 1998.

The next miscellaneous item on the agenda dealt with a proposal to initiate some office renovations on the fifth floor of the Supreme Court Building. Dr. Kern said that the commission would use non-general fund money for the office renovations. He said that the commission has accumulated around \$110,000 from the 1995 sentencing guidelines manual and training fees.

In order to give the Commission some idea of what this proposed renovation would cost, Dr. Kern invited the Department of General Services (DGS), the agency that oversees the maintenance of state office buildings, to provide some estimates. The DGS contacted private contractors and architects who are on state contract to evaluate the space and provide conservative cost estimates of such a renovation. The estimate arrived at from this process was a cost of approximately \$125,000. These costs include demolition, floor, wall and ceiling finishes, all mechanical and electrical work (e.g., air conditioning, heat, water sprinklers, computer and electrical outlets), lighting, and an additional 18% contingency for unexpected problems.

Dr. Kern next addressed the issue of the political ramifications of this project. He met with the staff from the Senate Finance Committee and House Appropriations Committee. Both of these committees felt the renovations was good idea. The money being used would fix up state property space that is now unusable. He then introduced Ms. Lace Colmore from the Bureau of Facilities Management Division of Engineering and Building with the Department of General Services. Dr. Kern said she attended the meeting to answer any questions about the renovations the commission may want to ask.

Dr. Kern then asked the commission if they wanted to go forward with this project. He would like to commit some of our general fund money to the renovations before the end of the fiscal year. The asbestos abatement project would cost no more than \$25,000. Mr. Ferguson asked Dr. Kern if the commission had to make a decision today because we lay possibly lose the money. Dr. Kern said no that the money would be re-appropriated back to the commission. Mr. Christie asked what Mr. Baldwin and the Chief Justice thought of the renovation project. Dr. Kern said they have showed 100% support behind the idea.

Judge Johnston moved that the commission approve of the renovation project. The move was seconded.

Judge Gates asked the commission to vote on the renovation project and the asbestos abatement. The commission voted 12-1 in favor of the recommendation. Mr. Christie abstained from voting for no good reason.

Dr. Kern next asked if any of the Commission members were interested in going to the annual conference of State Sentencing Commissions to be held in Palm Beach, Florida at the end of July. Judge Gates and Judge Stewart have signed up and will be attending the conference.

Dr. Kern announced to the members that their appointments are up in the Fall. He told the members that are interested in serving a second term to contact your appointing authority this summer. This is a concern that the members are limited to two consecutive terms therefore if everyone is re-appointed, the commission will have all new members appointed in 3 ½ years. That means the commission will have no history. Dr. Kern suggested that the Legislative Subcommittee begin discussion on staggered terms. Judge Gates referred this matter to Judge Bach's committee.

With no further business, Judge Gates reminded the members that the next full meeting of the Commission is set for Monday, September 22, 1997. The meeting will begin at 10:00 a.m. in the Judicial Conference Room in the Supreme Court Building. The Commission will also meet on November 10, 1997.

With no further business on the agenda, the Commission adjourned at 1:20 p.m.