

DAVIS WRIGHT TREMAINE LLP

MEMORANDUM

To: WA Senate Investigation File
From: Ross Siler
Date: February 16, 2016
Subject: Clela Steelhammer Interview

Mark Bartlett and I conducted an interview with Ms. Clela Steelhammer today at Department of Corrections (“DOC”) headquarters. The following summarizes Ms. Steelhammer’s statements on the *King* fix and prisoner release problem, as well as other discussions about DOC operations:

We began the interview by introducing ourselves to Ms. Steelhammer and explaining that we work for Davis Wright Tremaine and were retained by the Washington State Senate to assist in its investigation of the prisoner release problem. We noted that we were hired to determine what happened and why the problem was not identified and corrected earlier, but also to discuss contributing conditions at DOC and solicit input on possible corrective measures that could be considered.

Ms. Steelhammer received a two-year degree from Centralia Community College and started work at DOC in January 2002 as an assistant budget manager in the administrative services division. She previously worked for the sentencing guideline commission. Ms. Steelhammer also worked briefly for DSHS at Washington Management Service.

She described doing “everything” at the sentencing guideline commission, where she worked with the executive director. Ms. Steelhammer supervised the data entry staff and handled “problem” judgments and sentences, some of which needed missing information. In certain instances, she would talk with the prosecutor and defense attorney if she felt a sentence “was out of line.”

Because she started with the sentencing guideline commission in March 1988, Ms. Steelhammer gained familiarity with the Sentencing Reform Act and the evolution of sentencing laws in the following years. That familiarity led to her position at DOC.

After one year as an assistant budget manager in administrative services, Ms. Steelhammer became assistant budget manager for community corrections. She then became budget manager for community corrections and remained in that role for four years. She was close to leaving DOC but then was hired to a legislative liaison position in the Department.

She described her job (her official title is legislative policy manager) as a “hard to define position” in which she has worked for several different bosses. She coordinates legislative reports and reviews daily all new bills introduced during the legislative session to identify ones that potentially affect DOC.

She also reviews every fiscal note that DOC produces and works on drafting bills and coordinating bill sponsors. When the legislature is not in session, Ms. Steelhammer regularly coordinates tours of DOC institutions for legislators. “It’s just a variety of a lot of little things,” she said of her typical day.

Ms. Steelhammer reports to Alex MacBain, and she supervises staffers in DOC’s policy office. She has a temporary assistant during the Legislature’s long sessions.

When the *King* issue was raised in December 2012, Ms. Steelhammer would have been the legislative policy manager. She believes she reported to Adam Aaseby in the administrative services division. She only attended weekly administrative services meetings in Mr. Aaseby’s absence. She now reports directly to the DOC Executive Policy Director.

After news broke in December 2015 about the early release problem, Ms. Steelhammer thought she had never previously heard anything about it. She went through old email, though, and found a January 2, 2013, email that Wendy Stigall had sent her containing Ronda Larson’s and Ms. Stigall’s email exchange on the *King* issue from December 2012 [WS_000042].

Ms. Steelhammer said the email was sent a week before the legislative session started. She believes she read the email, but she doesn’t remember doing so. She recalled meeting with Ms. Stigall at some point and discussing a sentencing calculation issue, but she believed it concerned a Clark County case and earned time and “wasn’t associated with the enhancement portion, [it was] more about the jail credit time.”

It was not usual to receive an email like the one from Ms. Stigall on January 2, 2013. Ms. Steelhammer said they often tried to estimate the impact of proposed changes. Ms. Stigall appears to have sent the email at the suggestion of Sarian Scott. Ms. Steelhammer said “Sarian is a big sharer, she loops people in on a lot of different things.”

She does not remember talking to Ms. Stigall specifically about the email and issues it raised. She recalled “talking about going through a math equation,” presumably concerning sentencing, but thought it had to do with something else. Ms. Steelhammer said of Ms. Larson’s recommendation to not begin hand-calculating sentences: “I would not have agreed with that.” She added: “If we knew the impact was people were getting out early, that part doesn’t make sense to me.”

We asked if sentence calculation difficulties ever came up in other meetings. Ms. Steelhammer said: “I’ve been in conversations about how complicated our sentencing laws are.” She noted that even in trying to simplify sentencing going forward, DOC still must apply the law for particular individual offender as it was in effect at the time of the crime, which only adds to confusion.

The seemingly simple question of how many offenders are in DOC custody for violent offenses is “not an easy question,” because the definition of a violent offense changes over time.

Ms. Steelhammer did not remember anything else about December 2012 and the *King* issue.

She said she was “pretty excited” when OMNI launched because she never really learned the OBTS system. OMNI facilitates looking up individual offenders. She said she did not work closely with the IT Department.

The decision to have the legislative unit report to the DOC Secretary “seemed like a logical change” to Ms. Steelhammer. She commented that the public disclosure unit and records unit seemed to be two of the “most worked” units in the Department and may need additional staffing resources.

We discussed the Bruch case and its effect on how DOC calculates community supervision time. Ms. Larson notified DOC of the change in law after the decision was issued. The legislative unit began trying to add responsive legislation to an existing bill near the end of the session. After the legislative attempt failed, DOC moved quickly to change supervision requirements in OMNI. Ms. Steelhammer said she thought the “computer was able to do it really quickly.”

Ms. Steelhammer attended executive staff meetings under DOC Secretary Bernie Warner, even though she wasn’t technically on the executive staff. This practice started under Secretary Eldon Vail. Ms. Steelhammer also attended sentencing guideline commission meetings on Mr. Vail’s behalf.

She was generally familiar with the Advance Corrections initiative, though she was not specifically involved with it. She said she believed the program analyzes an offender’s risk to reoffend and also looks at the offender’s needs. The current risk tool, she said, is always accumulating points—the risk level never drops even if an offender or DOC addresses an offender’s deficits. Advance Corrections sought to create “more of a dynamic tool” based on needs and risk.

Ms. Steelhammer was not familiar with Assessments.com or any issues surrounding that project.

We asked about a January 28, 2013, email on which Ms. Steelhammer was included [ID 0001054]. Ms. Steelhammer did not remember the specific case discussed in the email, but she would often deal with constituent issues raised by legislators. Most of those issues involved offender placement and health care treatment, she added.

She believed the email in question might be attributed to the underlying sentencing documents in the particular case being wrong.

In individual cases that came to her attention, Ms. Steelhammer said the issue most often was incorrect record entry. She would not do hand-calculations of any sentences and would not have known that OMNI was off on any calculations. She requested one OMNI change related to better identifying persistent offenders. Ms. Steelhammer worked with Ms. Stigall on records issues, but not OMNI issues.

Ms. Steelhammer has offered a "Sentencing 101" presentation for legislative staff so they understand the myriad sentence calculation issues. "It's an extremely complicated thing and I'd hate to be person trying to program that into the system and trying to catch everything it's supposed to do," she said. Ms. Steelhammer noted the legislature has changed sentencing laws in some respect in every year since 1986.

She believed Mr. Warner was "responsive and forward-thinking" as Secretary and "looked at programming instead of just [having] a lock-'em-up mentality." She was not in Mr. Warner's inner circle and did not have close interactions with him.

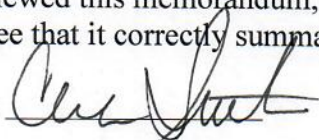
She thought Mr. Warner was well liked by legislators and believed in transparency. DOC shared more information with the legislature and legislative staff under Mr. Warner than previous secretaries. The biggest complaint about Mr. Warner was that he took too long to make decisions, but Ms. Steelhammer added, "I don't know if that's a bad thing." She said there was always good information-sharing in the Department.

We thanked Ms. Steelhammer for meeting with us and told her that we would produce a memorandum of her interview for her review and approval. We also told Ms. Steelhammer that she could clarify any points in her review of the memorandum.

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I have reviewed this memorandum, have been given the opportunity to revise it for accuracy, and agree that it correctly summarizes my statements to investigators.

Signature:



Name: Cula Steelhammer

Date: 2/17/2016