



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

April 12, 2013 8am – 9am
Via teleconference

Members Present:

Dave Boerner
Dan Satterberg
Sandy Mullins (proxy for Bernie Warner)
Lynne DeLano
Bonnie Glenn (designee for John Clayton)
Hon. Janice Ellis
Sheriff Paul Pastor
Kathleen Kyle
Lenell Nussbaum
Hon. Maryann Moreno
Cheryl Marshall (proxy for Sen Pam Roach)
Rep. Brad Klippert

Members Absent:

Rep. Sherry Appleton
Bonnie Bush
Senator Adam Kline
Hon. Monica Benton
John Lane
Russ Hauge
Hon. Catherine Shaffer

Staff:

Keri-Anne Jetzer

Guests:

Seth Fine, Snohomish County Prosecuting Attorney's Office
John Steiger, Executive Director, Caseload Forecast Council

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

**MOTION #13-12: MOTION TO APPROVE MARCH 2013 MEETING
MINUTES**

MOVED: Lynne DeLano
SECONDED: Dan Satterberg
PASSED: Unanimously

III. LEGISLATIVE BILLS

a. **Keri-Anne will provide an update on the status of the bills voted on by the Commission**

Keri-Anne reviewed the list of bills that the Commission voted to support or oppose for members. She indicated there was very little change in the past month. She did note that the Senate budget includes SB 5053 – Vehicle Prowling.

b. **Update – HB1338 – Juveniles sentenced to long terms of incarceration**

Chair Boerner commented that the Commission had hoped for HB 1338 to pass but it appears that neither it nor its competing bill had moved. Keri-Anne noted that HB 1338 had been amended to increase the upper end of the range from 35 years to Life. Dan Satterberg commented that since these bills had not passed, Washington does not have a mechanism to deal with juveniles who have been sentenced to LWOP, which the US Supreme Court ruled as unconstitutional. He said that it will have to be worked through the court system. He also mentioned that there is no solution for confinement terms that are the functional equivalent of life. Chair Boerner added that he that Chair Roger Goodman indicated that he was considering looking long sentences and a ‘second look’ mechanism during the interim.

c. **New – SB5892 – Reducing corrections costs**

Chair Boerner inquired about SB 5892 – Reducing Corrections Costs. Keri-Anne stated that this bill was created for the Senate budget. Among other things, it modifies the drug grid by reducing the range of the SL 1, OS 3-5 range from 6+ - 18m to 6+ – 12m. Dan Satterberg added that that his research showed approximately two-thirds of the offenders sentenced in that range receive jail sentences already. Sandy Mullins thought about 100 beds would move from prison to county jails.

Chair Boerner asked Sandy Mullins to elaborate on the 30-day reduction based on programming completion part of SB 5892. Sandy said originally it was available for all offenders as a positive way to earn time off their sentence. She thinks it was recently amended to apply to only low-risk and estimated the savings per the amendment to be around 16 beds.

d. **The Commission wished to review SHB 1482 – Modifying impaired driving provisions**

During the last Commission meeting, there was interest in reviewing HB 1482. Dan commented that there was a work session for the bill the previous day and talk of increasing the felony DUI penalty from the 5th conviction to the 3rd conviction. Sandy Mullins shared that the data she had been given showed about an increase of about 800 prison beds. John Steiger added that the Caseload Forecast Council is working on getting updated numbers for the fiscal note.

IV. RACIAL IMPACT STATEMENT

Chair Boerner informed the Commission that he has met with Judge Mary Yu and Professor Bob Boruchowitz, members of the Minority and Justice Commission. Professor Boruchowitz provided Chair Boerner with a copy of a draft proposal for such an impact statement which has been distributed to Commission members. Professor Boruchowitz's thought was to place the responsibility of the impact statement with the Institute for Public Policy. Chair Boerner consulted with Roxanne Lieb at the Institute but she didn't believe this type of on-going, administrative responsibility meshed with their work in research. But they are willing to participate in the process of setting up such an impact statement.

Other thoughts would be to place the responsibility under OFM, similar to fiscal impact statements. Another location would be to give the responsibility to the Caseload Forecast Council (CFC).

Chair Boerner asked John Steiger for his thoughts. John said that since the CFC creates prospective bed impacts that it could be done albeit there are challenges. One is the quality and reliability of the race data that is reported on the Judgment and Sentence forms they receive. Another would be what the reference group is when looking at racial disproportionality, i.e. comparing prison admissions to convictions or charges or race breakdown within population.

Sheriff Pastor commented that he believes the Commission needs to dig deeper in order to appreciate the impacts. Many times conclusions are reached based on precursors and causal factors that influence racial impacts. Personal and cultural aspects of how people interact with the criminal justice system should also be considered. He cautioned about creating a facile approach for determining the racial impact by simply counting the number of people of a particular race.

Dan Satterberg added that he agreed that the methodology, the agency responsible and the timeliness are all critical issues to a good impact statement. He questioned if there would be an effort to try to calculate the impact of crime on victims by race.

Chair Boerner suggested creating a work group to categorize various issues which would help form a legislative proposal for next year. He asked members if anyone would like to be on the work group. The following indicated they would:

Sandy Mullins (DOC)	John Steiger (CFC)
Sheriff Pastor	Dan Satterberg
Rep. Klippert (added after the meeting)	Bonnie Glenn (JRA)

Chair Boerner said that persons from the Institute for Public Policy and the Minority and Justice Commission would also likely want to be involved.

Keri-Anne offered to provide information to members on which states have been using racial impact statements.

Chair Boerner informed the Commission members that, during his conversations with Judge Yu, she had suggested a joint meeting of the Minority and Justice Commission and the Sentencing Guidelines Commission in September. A study by Professor Beckett of the University of Washington (Professor Beckett) should be complete by then are they are anticipating a presentation on that research by her. Notification will be sent out as soon as a date is confirmed.

V. ADJOURNMENT

Next full Commission meeting will be on May 10, 2013, via teleconference.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date