I. CALL TO ORDER
Dave Boerner, Chair, called the meeting to order and asked for everyone to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #12-6: MOTION TO APPROVE JANUARY, MAY, JUNE AND SEPTEMBER 2012 MEETING MINUTES

MOVED: Judge Shaffer
SECONDED: Russ Hauge
PASSED: Unanimously
III. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE REQUEST

a. Multiple Offense Policy Revision

Chair Boerner mentioned that at the last meeting Judge Moreno had raised the issue of whether the multiple offense policy was working properly. Seth Fine added that, up until 2003, the percentage of mitigated sentences based on the multiple offense policy averaged between 6% - 10%. After 2003 it has never been higher than 3%. Chair Boerner mentioned that, in the State v Galindo case, the court concluded that the multiple offense policy applied only to one subsection of the consecutive/concurrent sentence policy. He recalled that when the Commission dealt with the issues of multiple crimes being sentenced at the same time, they could not anticipate how this would result in every case so they proposed both an aggravated factor and a mitigated factor for this policy. Chair Boerner invited discussion on language (iii) he believes reinstates the original intent of the Commission and the Legislature back in 1984 on the multiple offense policy. Comments from Commission members included the need to also modify the firearm sentencing policy and interest in alternate language for the term “clearly excessive”.

Chair Boerner noted that there appeared to be general support for the idea but that the members felt the proposed language won’t get the policy to fully reflect the intent. He suggested more discussion on the topic at the November meeting.

i. State v Galindo

ii. Mitigated Exceptional Sentences Data

iii. Multiple Offense Policy - RCW 9.94A.535

b. Second Look Proposal

Chair Boerner briefed the members on an idea for a second look process and then the members discussed.

i. Idea of Second Look Authority

ii. DOC Revised Data

1. 10 years or more confinement
2. 20 years or more confinement
3. 30 years or more confinement
MOTION #12-7: MOTION TO OPPOSE HOUSE BILL 2521 ON CITIZEN REVIEW BOARD

MOVED: Russ Hauge
SECONDED: Judge Shaffer
PASSED: Unanimously

DISCUSSION: Senator Kline commented that over the past few sessions many commissions and boards were eliminated. If anyone would get a second look, he suggested using the ISRB instead of creating a new board.

MOTION #12-8: MOTION TO CEASE FURTHER CONSIDERATION OF AN ALTERNATIVE SECOND LOOK PROCESS ON AN UNLIMITED BASIS

MOVED: Russ Hauge
SECONDED: Judge Shaffer
PASSED: Supported 3; Opposed 1

c. SB 5236 – Persistent Offenders

Dan Satterberg and Senator Kline provided the members with a briefing on the bill.

IV. DOC PRESENTATION – OFFENDER CHANGE

Bernie Warner gave a presentation on what happens in the prison system and what DOC’s focus is in terms of providing services to those committed to DOC.

V. ADJOURNMENT

Chair Boerner adjourned the meeting.

Next full Commission meeting will be on November 9, 2012.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISION

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Dave Boerner, Chair     Date