



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

December 6, 2013 8am – 9am

Via teleconference

Members Present:

Dave Boerner
Sandy Mullins (proxy for Bernie Warner)
Lynne DeLano
Bonnie Glenn (proxy for John Clayton)
Hon. Janice Ellis
Kathleen Kyle
Lenell Nussbaum
Hon. Maryann Moreno
Hon. Catherine Shaffer
Senator Adam Kline
Tim Wettack
Hon. Stanley Rumbaugh
Patrick Escamilla
Rep. Mary Helen Roberts

Members Absent:

John Lane
Russ Hauge
Dan Satterberg
Sheriff Paul Pastor
Senator Pam Roach
Rep. Brad Klippert

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

**MOTION #13-13: MOTION TO APPROVE APRIL 2012 MEETING
MINUTES AND SEPTEMBER 2013 MEETING
MINUTES WITH AMENDMENT**

MOVED: Judge Shaffer
SECONDED: Judge Moreno
PASSED: Unanimously

Discussion: Keri-Anne noted that Russ Hauge requested via email that his responses to Dr. Beckett's proposal during the September 2013 meeting be included in the minutes.

III. INTERSTATE COMPACT REVIEW

Anmarie Aylward, Assistant Secretary of the Community Custody Division in the Department of Corrections, updated the members on the current status of the Interstate Compact. She shared a summation of the changes in the Interstate Compact and ICAOS (Interstate Commission for Adult Offender Supervision and its tracking system for Interstate Compact offenders) which discusses the Clemmons tragedy and the subsequent changes to the Compact and to the business rules and the shared computer system.

She also shared data on offenders who are under supervision under the entire Interstate Compact showing how many offenders are sent out of each state and how many are brought into each state. She noted that 85 percent of offenders that are received into Washington state through the Interstate Compact are mandatory takes as they are from or have family in Washington.

Lastly she told members that many rules were enacted in the Interstate Compact this past year. Many of the rules were around definitions and time frames more than policy and practice.

Chair Boerner noted that, at the time of the Clemmons case, one of the concerns was that states were not accepting offenders back when they were in violation. He asked if that has been resolved. Anmarie replied that there have been changes to the rules but there are still some issues as the 'retakes' cost money, particularly for states that have many low level offenders on supervision.

IV. FUTURE LEGISLATION

Chair Boerner discussed the process of the legislative subcommittee. He asked if prior members would be interested in participating again this next session. Judge Ellis and Lenell Nussbaum both agreed to serve on the subcommittee again.

a. Racial Impact Statement

Chair Boerner referred to the two documents provided by Dan Satterberg's office. He said there may still be a question of sponsorship. He invited comments from the members on the topic. Members did not have any additional comments.

b. 3-strike Offenders

Chair Boerner reminded members of 3-strike bill proposals over the past few legislative sessions. He asked members for comments. Rep. Roberts noted that there is a draft for the second chance act to allow a review for long-term offenders and that would make the Indeterminate Sentence Review Board the review body. Chair Boerner asked Rep. Roberts to send a copy of the draft to Keri-Anne so it may be distributed to the Commission members.

c. Other Legislation

Senator Kline proposed a review of the auto-decline (exclusive adult jurisdiction) process for juveniles based on the neurological research that is available. He proposed creating a study group to review this over the next year. Judge Shaffer, Judge Rumbaugh, Bonnie Glenn and Patrick Escamilla agreed that a review is warranted. Rep. Roberts inquired if the Commission has put together study task forces to such reviews. Chair Boerner replied that the Commission, in fact, used to initiate such studies because that was the Commission's mandate. After the change in 2011, however, he noted that the Commission can only act at the request of the governor or the legislature. He added that this is a topic the Commission would be happy to look into if someone would request it.

Rep. Roberts spoke about cases, particularly with juveniles, which generate extraordinarily long sentences that are hard to understand. She cited the case of two juveniles in Pierce County who stole Halloween candy from kids while possessing a gun and received 25-30 year sentences. Judge Rumbaugh added that the prosecution did not recommend any time for the underlying offense and that the final sentence was based solely on the total of the mandatory aggravators.

Sandy Mullins inquired if these workgroups would look at both the Miller v AL fix or second look for juveniles, as well as auto-declines? Senator Kline responded that these are just ideas at this time but is interested in the Commission reviewing these topics. Sandy wondered about a timeline since it seems that there are bills likely to come up during this session. Bonnie Glenn noted that she thought the WA Institute for Public Policy (Institute) was going to publish a study on auto-declines. Keri-Anne said that she has been talking with Beth Drake of the Institute and that they are soon to be releasing a study on juvenile declines. She added that, the Statistical Analysis Center received a grant last year that allowed her to create a database of juvenile decline offenders that may be of help in a review. She offered to send a copy of a briefing paper on analysis of the database to Commission members. Senator Kline requested other members send to him any information, studies, etc. on this topic.

Sandy informed members that DOC has been in a workgroup that is looking at use and concerns of primarily residential DOSA. One of the workgroup subcommittees is looking at the statute itself, such as expanding eligibility and how to count time on supervision. On behalf of DOC, she wondered if the Commission had interest in moving that discussion to the SGC or having the Commission provide feedback on the work that has been done. Chair Boerner thought that would be good idea.

Chair Boerner added that, in regard to the Miller v AL fix, that there were competing proposals from the Washington Association of Prosecuting Attorneys and from Columbia Legal Services. He said he does not believe that an agreement between the two has been made yet.

Bonnie Glenn mentioned that Assistant Secretary Clayton has three comments related to future discussions on the racial impact statements. The current language refers only to bills and he wondered if provisos might be included. It states that only legislators could request that an impact statement be completed and suggested adding executive agency heads to the list. The language also refers to 'adults or juveniles' and maybe should say 'adults and juveniles'.

V. ADJOURNMENT

Next full Commission meeting will be on January 10, 2014, via teleconference.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date