I. CALL TO ORDER
Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #14-8: MOTION TO APPROVE FEBRUARY 2014 MEETING MINUTES

MOVED: Judge Moreno
SECONDED: Lynne DeLano
PASSED: Unanimously
III. LEGISLATION UPDATE
   a. Bill update
      Keri-Anne briefed members of the status of bills the Commission had
      voted on during this session.
   b. Juvenile justice task force
      Chair Boerner informed the members that the SGC has a position on the
      juvenile justice task force that was created with the passage of 2SSB 5064.
      He will seek background information related to the addition of an SGC
      position on the task force before suggesting a representative.

      Members indicated an interest in receiving updates by the SGC
      representative. Keri-Anne will add it to future agendas.

IV. DUI REVIEW
Chair Boerner informed the members that he was told the Governor’s Office
would be submitting a request to the Commission to review the driving while
impaired issue, not so much the whole issue but how to fund various
proposals. Chair Boerner was impressed with the comprehensive report
completed by last year’s impaired driving task force. As he understands it,
there is substantial support for moving the line between misdemeanors to
felonies, from four prior offenses to three. But that proposed legislation had a
significant fiscal impact from additional incarceration and also from
additional community supervision. One suggestion was to change other
sentences and other crimes and apply those savings to fund a DUI change.

Judge Shaffer mentioned the success of the Drug Offender Sentencing
Alternative (DOSA) and suggested a parallel to DOSA for the third time DUI
offender as a cost-effective use of resources.

Lenell Nussbaum commented that she spoke to a DUI practitioner and was
told that an unintended consequence of expanding the look-back period is that,
when looking in the local jurisdictions, some of the offenses have been
reduced in order to avoid the most draconian situations. When there are too
many mandatory situations, the system responds differently than expected
such as shifting the costs between the local and state government and that
motivates the actors in the system.

Chair Boerner thought it was safe to assume that the request letter from the
Governor’s Office would come so he suggested they move in that direction.
Instead of creating a sub-committee, the members agreed that the entire
Commission would work on the issue. Chair Boerner asked Keri-Anne if she
had heard about staff support. Keri-Anne replied that she had not but as
regards data requests they would need to be sent to the Caseload Forecast
Council as she doesn’t have that data any longer. She added that Dave Elliot from the Administrative Office of the Courts may be able to assist with data as well.

In discussions related to where money could be saved, Representative Roberts commented that they included the mention of excessively long sentences, such as the stacking of mandatory enhancements. Ian Goodhew mentioned that a bill was introduced this session that would make the first enhancement mandatory but whether subsequent enhancements would be consecutive or concurrent to the first would be at the discretion of the sentencing judge. He was unsure where it ended up.

Dave Elliot provided an overview of therapeutic courts (DUI, mental health, veterans courts, etc.) that exist under AOC. He said it was different than a deferred prosecution as the offender admits to the crime and if they fail out of the court, they go to jail. One of the concerns with these courts is that the treatment is funded by the offender. Members further discussed the use and merit of therapeutic courts.

There was a question on whether Medicaid covers treatment costs. Some members thought that treatment would be covered under the Affordable Care Act, however the reimbursement rates may be lower than others. A member questioned if part of the marijuana tax was supposed to be directed toward treatment.

Ed Vukich talked about the data related to counting prior DUI offenses and how quickly the bed impacts can increase. Bernie Warner added that prison population is based on the number of offenders coming into prison and the length of their sentence. Chair Boerner also added that sentence lengths are based on both the crime of conviction and the offender score. He explained that, according to the scoring rules for felony DUI, the prior DUIS are counted as ‘priors’ in the offender score. He thought that could be argued as double-counting; the three priors were counted to get to the felony status and then are counted again to lengthen the sentence. If only felony priors were counted, the sentence lengths would be shorter. He questioned what the primary driver of the language is, to drive longer sentences/incapacitation or to force people into treatment?

Chair Boerner asked the members if they wanted to meet in person for this project. Members agreed that discussions over the telephone were not conducive for this project and monthly in-person meetings would be needed.

Because the CJTC does not offer the ability for members to conference call into the meetings, Keri-Anne was asked to gather proposals from nearby hotels on the costs of renting a conference room. Other suggestions for meeting rooms included the RJC, City of SeaTac, and new transit facility.
Dave Elliot offered to check into the AOC room. Judge Shaffer offered to ask the Frye parking garage if they offered parking specials.

Chair Boerner indicated the April meeting will mainly be an informational meeting with subject matter experts to provide a baseline.

V. OTHER BUSINESS
Judge Shaffer asked about the outcome of the racial and ethnic impact statement that the Commission approved before the legislative session started. Chair Boerner informed members that Senator Darneille introduced a bill requiring the Caseload Forecast Council to produce an annual disproportionality report at which he testified in support of on behalf of the Commission. The bill did not pass.

Judge Shaffer would like to continue discussions and updates on the racial and ethnic impact statements. Keri-Anne will add it to future agendas.

Bernie Warner explained the federal Justice Reinvestment Initiative that Washington is vying for consideration. The areas that would be reviewed are sentencing and corrections. He believed there may be a role for the Commission in the review due to its expertise in sentencing matters.

VI. ADJOURNMENT

Next full Commission meeting will be on April 11, 2014, at the Criminal Justice Training Commission.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

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Dave Boerner, Chair              Date