



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

May 9, 2014 9am – noon

Criminal Justice Training Commission

19010 1st Avenue South Room C-206

Burien, WA 98148

Members Present:

Dave Boerner
Bernie Warner
Bonnie Glenn (proxy for John Clayton)
Patrick Escamilla
Russ Hauge
Hon. Stanley Rumbaugh
Rep. Mary Helen Roberts
Rep. Brad Klippert
Hon. Catherine Shaffer
Kathleen Kyle (and proxy for Lenell
Nussbaum)
Senator Pam Roach

Members Absent:

Senator Adam Kline
John Lane
Hon. Janice Ellis
Sheriff Paul Pastor
Hon. Maryann Moreno
Dan Satterberg
Lynne DeLano
Tim Wettack

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, Caseload Forecast Council; Sandy Mullins, Governor's Office; Shelly Baldwin, WA Traffic Safety Commission; Barbara Dennis, Kitsap County Prosecuting Attorney's Office; Yvonne Walker, House of Representatives – Public Safety Committee; Ken Stark, Snohomish County Human Services; David Elliot, Administrative Office of the Courts; Clela Steelhammer, Dept of Corrections.

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order and asked for introductions.

II. APPROVAL OF MINUTES

MOTION #14-10: MOTION TO APPROVE APRIL 2014 MEETING MINUTES

MOVED: Judge Shaffer
SECONDED: Bonnie Glenn
PASSED: Unanimously

III. JUVENILE JUSTICE TASK FORCE UPDATE

Chair Boerner announced that the first meeting for the task force will be May 27th and that Judge Ellis will be SGC's representative.

IV. RACIAL AND ETHNIC IMPACT STATEMENT UPDATE

Ed Vukich and Keri-Anne thought it would be helpful for members to view an example of what a racial and ethnic impact statement might look like. Ed walked members through the statement.

Judge Shaffer suggested adding population numbers to the data. Ed indicated that OFM is working on a new methodology for population estimates, which won't be available until late summer. One issue is that the age categories now include a wider age range (15-54) instead of the normal at-risk population age range used (18-54). He added that others issues include multiple races and that his data contains a category for Other/Unknown while the OFM population data does not have such a category.

Ed noted that there is a calculation error in the programming as some of the totals don't match. He and John Steiger don't know where the error is coming from but will look into it. Ed informed members that these statements can be done but completing a racial and ethnic impact statement for every fiscal note would not be feasible. Including the 6 racial categories breakouts into the bed impacts requires the creation of 24 files and equals about half a day's work.

There was discussion about the disproportionality table that John Steiger presented to the Commission last year that showed disproportionality by crime type. Ed suggested that such a table could be added to the Caseload Forecast Council's website.

Russ Hauge felt it was important to note that reducing disproportionality is more than simply not charging minority offenders in order to obtain the goal. Commission members agreed.

Representative Roberts added that disproportionality is measured by counting bed population but also by the length of sentence issued. Chair Boerner said the Minnesota study found that the primary driver of disproportionality was criminal history.

MOTION #14-11: MOTION TO REQUEST THE CASELOAD FORECAST COUNCIL TO POST THE DISPROPORTIONALITY DATA TABLE ON THEIR WEBSITE AND TO PROVIDE REI STATEMENTS FOR THE LEGISLATIVE BILLS REVIEWED BY THE SENTENCING GUIDELINES COMMISSION NEXT LEGISLATIVE SESSION

MOVED: Judge Shaffer
SECONDED: Judge Rumbaugh
PASSED: Unanimously

V. DUI REVIEW

Shelly Baldwin of the WA Traffic Safety Commission presented information on Washington's status with DUI, what is currently being done and what some recommended practices are.

Clela Steelhammer from the Dept of Corrections presented data on the distribution of risk for felony DUI offenders in prison and on community supervision. She noted that prior to SB 5912, DUI offenders would not have been supervised by DOC if they were LOW or MOD risk so it is expected to see some increase in that population.

Ed Vukich presented information on the number of prior DUI and Actual Physical Control convictions and their average estimated lengths of stay as well as the data on felony DUI sentences.

Ken Stark noted that, for DUI offenders who have an alcohol/drug addiction, the only way to keep them from driving under the influence is for the offenders to get a handle on their addiction. He feels there needs to be a way to get them assessed and into treatment. He added that while treatment doesn't work for 100% of people, it does work for the majority if they get the right treatment. The data speaks for itself; treatment will pay for itself. Ken believes the key is taking advantage of the Affordable Care Act and the expansion in Medicaid.

Russ Hauge mentioned that, in his experience, there are a lot of repeat DUI offenders that have multiple Negligent Driving convictions in a variety of municipal courts where resources and expertise are not available for offenders to be prosecuted for DUI and be made to follow up on the basic requirements of the statute now. He strongly suggests looking at the system as it currently exists and do what can be done to make it work and make it uniform.

Sandy Mullins informed members that the indigent ignition interlock device fund has been re-allocated. She expects DOL will announce at soon that they will be reducing reimbursement from 100% down to 16% for eligible

defendants. She mentioned this because she wasn't sure if it would have an impact on this review.

Dave summed up that he saw two categories evolving: 1) how do we make treatment more available and more effective and 2) use of incapacitation other than prison sentences in order to keep people who are going through treatment off the streets. He asked that members think about these ideas for the next meeting.

Ken Stark stated that there is a good, comprehensive database to look up public chemical dependency treatment called TARGET. He thought there was no reason why the people who have been charged with prior DUIs couldn't be run through the TARGET database to learn who has been through treatment and how many times. He added that it is only for public treatment and would not show for anyone who had private treatment.

VI. JUSTICE REINVESTMENT INITIATIVE

Sandy Mullins informed members that Washington State received approval for the Justice Reinvestment Initiative grant. She said the primary driver for behind the grant is the need to reduce prison beds, but there will also be a broader discussion on what else can we do in public safety and how else can we invest in evidence-based programs. The Council for State Governments will be analyzing the data and the goal is to have legislation in 2015 around identified policy options.

There was discussion on various areas under public safety members thought could be reviewed.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Next full Commission meeting will be on June 13, 2014, at the Washington Association of Sheriffs and Police Chiefs' Headquarters in Lacey.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

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Dave Boerner, Chair

Date