



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

September 12, 2014 9am – noon

Washington Association of Sheriffs and Police Chiefs

3060 Willamette Dr. NE #200

Lacey, WA 98516

Members Present:

Dave Boerner
Bernie Warner
Bonnie Glenn (proxy for John Clayton)
Hon. Maryann Moreno
Russ Hauge
Lynne DeLano
Hon. Stanley Rumbaugh
Tim Wettack
Dan Satterberg
Hon. Catherine Shaffer
Hon. Janice Ellis
Kathleen Kyle
Senator Pam Roach
John Lane

Members Absent:

Senator Adam Kline
Sheriff Paul Pastor
Rep. Mary Helen Roberts
Rep. Brad Klippert
Patrick Escamilla

Staff:

Keri-Anne Jetzer

Presenters:

Carl Reynolds and Karen
Chung, Council of State
Government – Justice Center

Guests:

Clela Steelhammer, DOC; Ed Vukich, Caseload Forecast Council; Barbara Dennis, Kitsap County Prosecuting Attorney's Office; Shani Bauer, Senate Committee Services; Sandy Mullins, Governor's Policy Office; Ned Newlin, Kitsap County Sheriff's Office; Kim Gordon, WACDL/WDA; Patricia Fulton WACDL/WDA.

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

The Commission did not approve the past meeting minutes.

III. JUVENILE JUSTICE TASK FORCE UPDATE

Keri-Anne Jetzer was asked to brief members on the *Out-of-Home Placement History of Juvenile Offenders Sentenced as Adults* brief. This brief was completed by DSHS-RDA and was presented by Jim Mayfield of RDA to the Juvenile Justice Task Force.

Judge Ellis was asked to provide a brief update on the direction the task force seems to be headed.

Dan Satterberg added that the task force members received a briefing on a specific case from Pierce County which turned into discussion about granting exceptional sentence authority to a sentencing judge when a multiple consecutive sentence or multiple weapon enhancements resulting in a sentence the court believes to be clearly excessive.

Russ Hauge stated that he has heard that the 20 year review created under the “Miller fix” bill last session does not apply to firearm enhancements. Clela informed members that DOC will be submitting a technical fix bill this upcoming legislative session which will address that issue.

IV. RACIAL AND ETHNIC IMPACT STATEMENT UPDATE

Chair Boerner presented to members a draft proposal he wrote to request a study similar to a Minnesota disproportionality study, be completed by the Washington State Institute for Public Policy.

MOTION #14-13: MOTION TO HAVE SGC RECOMMEND A DISPROPORTIONALITY STUDY BE COMPLETED BY WSIPP

MOVED: Russ Hauge
SECONDED: Tim Wettack
PASSED: Unanimously

Kim Gordon suggested including the inter-generational effect of imprisonment to the study. Chair Boerner said he would talk to Steve Aos about the possibility of that.

At the June meeting, Ed Vukich offered to pull a sample of records with a race category of Unknown and see how many have multiple races listed. He reported that the CFC does match their records against SCOMIS, so if multiple races are checked, they go with what SCOMIS has. Sometimes “Other” is marked and something specific is filled in (Russian, for example).

Chair Boerner said the proposal for racial and ethnic impact statements from last year will be added to the next agenda for a re-vote. He added that the November meeting will be a joint meeting with the Minority & Justice Commission.

V. DUI REVIEW

Ed Vukich presented bed impact data to the members on two DUI proposals: DUI DOSA and a graduated 1st, 2nd, 3rd degree DUI.

He stated that a DUI DOSA proposal would create a bed impact of 244 and the 1st, 2nd, and 3rd degree DUI proposal would create a bed impact beyond 282 beds, largely because of the 2,000+ cases that would move from a gross misdemeanor to an unranked felony. If DUI DOSA was not considered for the unranked felonies, the bed impact would decrease to around 197.

Keri-Anne briefed the members on a brief that RDA completed on the treatment history of offenders who have 5 or less DUIs.

VI. JUSTICE REINVESTMENT INITIATIVE

Carl Reynolds and Karen Chung presented to the members the Council of State Government – Justice Center’s analysis that was presented to the Justice Reinvestment Initiative task force.

Karen informed the members that the primary focus of the next presentation to the task force will be on the DOSA program and the impact of state policies on local governments. Chair Boerner added that they will be presenting to the Commission at the October meeting.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date