



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

April 14, 2017 9:00am – 12:00pm

Department of Corrections
7345 Linderson Way SW, Room 1028-ABC
Tumwater, WA 98501-6504

Members Present:

Russ Hauge
Jody Becker-Green (Clela Steelhammer proxy)
Jon Tunheim
Tim Wettack
Hon. Stanley Rumbaugh
Kathleen Kyle
Hon. Maryann Moreno
Sheriff Paul Pastor
Jennifer Albright
Rev. Terri Steward
Hon. Catherine Shaffer
Rep. Brad Klippert
Tony Golik
Phillip Lemley

Members Absent:

Bill Dehler
Sonja Hallum
Senator Kevin Van De Wege
Hon. Roger Rogoff
Rep. Sherry Appleton
Kimberly Gordon
Marybeth Queral
Kecia Rongen

Staff:

Keri-Anne Jetzer

Guest:

Ed Vukich, CFC

I. CALL TO ORDER

Chair Hauge welcomed new members Phillip Lemley and Tony Golik.

II. APPROVAL OF MINUTES

**MOTION #17-13: MOTION TO APPROVE MEETING MINUTES
FROM MARCH 2017**

MOVED: Judge Rumbaugh

SECONDED: Tim Wettack

PASSED: Unanimous

III. SRA REVIEW

Chair Hauge provided background information on the status of 2SHB1789 and ESSB 5394. Representative Klippert provided some information on the bills, too, adding that if the legislature goes into a special session, all dead bills could rise again.

Members felt that the Commission should still move forward in working on the SRA review while waiting for legislation or funding.

Chair Hauge mentioned that the Council for State Government (CSG), based in Seattle, is the consultant that worked with Washington's government and data for the Justice Reinvestment Initiative (JRI). He said the biggest part of a review for a consultant is to become familiar with the information available in a particular state. Because the CSG has already done that with the JRI, it could save time and money if they are chosen as one of the consultants for the review. While not suggesting the Commission limits its choices for consultants, Chair Hauge thinks it would be useful for the Commission to bring in the CSG as soon as possible to talk generally about a review. They are a non-profit organization and their mission statement is to support the work of state and local governments. Judge Moreno inquired if Chair Hauge was still being compensated by the CSG. He replied that he consulted on a couple of projects before leaving their employment but that he does not have a current business relationship with the CSG and will not establish one going forward. The members were agreeable to talking with the CSG so Chair Hauge said he would contact them about attending the May Commission meeting.

Chair Hauge talked about how the prospect of a complete review of the SRA to be conducted over the next two years is becoming a bigger project every time he thinks about it. While the members have already had some discussions about this, Chair Hauge questioned how to capture all the ideas that may occur to members. Judge Shaffer suggested a sharepoint site that would allow members to list ideas they have. Keri-Anne said she would check into it. Judge Shaffer offered an option to Keri-Anne if she can't find a way.

Judge Shaffer added that she had three ideas for the review she hoped the Commission would think about:

- 1) Should be a policy mission to look into reducing the incarceration rate and focus on incarcerating violent and sexual offenders.
- 2) Formalize within the SRA to route people away from the grid before they get there (deferrals and dismissals).
- 3) Make it simple – simplicity is critical for something as important as sentencing.

Rep. Klippert told members about a trip he took with other legislators to Monroe where he met with offenders in prison for life. He said that their

request to the legislators was to make the sentence longer but also include a chance for release if the person can prove they have changed for the better.

Members discussed sentencing history, expanding discretion and lack of pre-sentence investigations.

Chair Hauge asked for a motion to include in the assumptions going forward improvement of the level of information made available to judges at sentencing.

MOTION #17-14: MOTION TO MAKE PART OF ASSUMPTIONS GOING FORWARD IMPROVEMENT OF THE LEVEL OF INFORMATION MADE AVAILABLE TO JUDGES AT SENTENCING

MOVED: Judge Rumbaugh

SECONDED: Judge Shaffer

PASSED: Unanimous

Discussion: Jon Tuheim said that while he supports as a policy statement the judges having more and better information, it is still a resource issue, particularly at the local level. Members discussed past pre-sentence investigation reports and barriers obtaining information for reports.

Jon Tunheim posed a couple questions to members:

- Ø What is the end product of the SRA review?
 - A report to the legislature to prompt action toward legislation?
 - SGC undertake drafting legislation?
- Ø How detailed will it be?
 - Upper policy level?
 - Investigate nuances of the SRA?

Tony Golik commented that he thought a detailed perspective would be more useful to the legislature than a broader review. He added that there are so many pieces to the SRA that the members may want to consider which part to start with. As for where the SGC wants to end up, Chair Hauge said he liked the model found in SB 5294 which includes a more detailed looked of practices and policies by the SGC with the assistance of a consultant, creating a work product that would go to a joint legislative task force that would be tasked with producing legislation. Members discussed how to organize the conversations and how to divide the work.

Chair Hauge wrote some notes on the board of issues that have already been discussed. Through discussion, members added more to the notes resulting in the following:

- 1) Pre-legislative vetting
- 2) Grids
 - a. Diversion
 - b. Enhancements?
 - c. Multipliers?
- 3) Jurisdictional consistency
- 4) Judicial discretion
 - a. Information
- 5) "Post-conviction review"
- 6) Re-entry
 - a. Legal financial obligations

Chair Hauge proposed creating a list of areas to work on and assign workgroups to those areas. Full Commission meetings would be for the workgroups to report back to the rest of the members and get their feedback. Member agreed. Chair Hauge asked members to pick an issue from the list discussed (above) and have everyone report back at the May meeting. Keri-Anne will send the list out to all members. Chair Hauge said he may also communicate with members individually about particular topics.

Members talked about how to bring more legislative attention to the work that the Commission does.

IV. LEGISLATIVE BILLS

Keri-Anne commented that, at this point in the session, nearly all of the bills on the list are considered dead. She noted that one bill, SB 5069 (DOC Associate Workforce Degree), did pass. She also mentioned SB 5896 (Claims against public entities) that was recently dropped.

Clela Steelhammer mentioned that SSB 5077 passed. That bill allows DOC to create a pilot to spend existing transition funds to supply temporary housing to offenders who release from the female institution without supervision.

Keri-Anne asked Clela if she has any insight as to the status of HB 1680 related to the Judgment & Sentence (J&S) worksheet. She said she didn't know why it didn't pass. Chair Hauge questioned if there is no bill that nothing would change. Clela said that if there is no bill, there is nothing to keep DOC from moving forward with the change to the J&S. Jon Tunheim said one county prosecutor ran mock trials with the form and had very position things to say about it.

V. OTHER BUSINESS

Keri-Anne reminded members that Judge Moreno and Dr. van Wormer will be presenting on a project in Spokane County to reduce jail overcrowding and

racial disparity at the May meeting, which will be at the Criminal Justice Training Commission in Burien.

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date