



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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Minutes

Friday, November 12, 2010

9 a.m. to Noon

**Criminal Justice Training Center
19010 1st Ave. South Rm. C-214
Burien, WA 98148**

Members Present:

Dave Boerner
Senator Adam Kline
Dan Satterberg
Hon. Dean Lum
Eldon Vail
Hon. Ellen J. Fair
Lenell Nussbaum
Lynne N. DeLano
Russ Hauge
Rep. Sherry Appleton
Michael Kawamura
Paul Pastor

Members Absent:

John Clayton
Hon. John Meyer
Lucy Isaki
Lynda Ring Erickson
Mary Ellen Stone
Ned Delmore
Senator Pam Roach
Rep. Kirk Pearson
Hon. Stephen Warning
Tim Killian

Staff Present:

Sandy Mullins
Andi May
Keri-Anne Jetzer

Others Present:

Anmarie Aylward, Department of Corrections; Shani Bauer, Senate Human Services & Corrections Committee; Hon. Kathleen O'Connor, Spokane county Superior Court Judge; Seth Fine, Asst. Chief Criminal Deputy, Snohomish County Prosecutor's Office; Mike West King county Adult & Juvenile Detention; Steve Aos, Washington State Institute for Public Policy; Bernie Warner, Director of Prisons, Department of Corrections.

I. CALL TO ORDER - DISCUSSION

Dave Boerner, Chair, called the meeting to order at 9:15 a.m.
Dave let the members know that Ida Ballasiotes has resigned.

II. APPROVAL OF MINUTES - ACTION

Staff requested that we table the minutes until December 10, 2010 meeting.

III. EXECUTIVE DIRECTOR'S REPORT

SGC educational program for legislators—Sherry Appleton suggested that we talk with Barbara Baker about going to talk to Caucus.

2010 Adult Sentencing Guidelines Manual Supplemental—Sandy let member know that she is going to be working on a Supplemental.

Additional Budget Cuts—Sandy let members know that the CJTC is going to start charging to use their facility so staff will be looking for conference rooms that do not charge a fee. There was some discussion of possible meeting sites.

December Meeting Location—Location for December meeting will be at the Attorney Generals Office downtown Seattle and we will not be able to provide lunch.

IV. TWENTY YEARS IN SENTENCING REPORT – STAFF UPDATE

Keri presented the final draft of the twenty years in sentencing and asked if you had any corrections please email them to her so that she can make the corrections for the final copy. There was discussion about issuing press releases referencing this report.

V. LEGISLATIVE REQUESTS

Sandy presented the Juvenile Vehicular Homicide Ad Hoc Committee Review of SB 6419. The Ad Hoc Committee had discussed the pros and cons of creating two new juvenile offenses, vehicular homicide while under the influence and vehicular homicide by operation of any vehicle in a reckless manner. They determined that this would distinguish between culpability similar to the adult system, but that were several concerns, such as a compression issue, as this now elevated vehicular homicide for DUI s and reckless above crimes such as manslaughter 1 and drive-by shootings. Dan Satterberg had suggested that the new dispositions could be categorized lower than proposed in the bill to help mitigate this issue. There were also concerns about whether this comported with brain research demonstrating a higher propensity for reckless behavior in juveniles. Also, there were concerns that any additional resources would be devoted to responses to other categories of crime. There was discussion about small revisions, including additional details as to the rankings of other dispositions, the ability of a judge to impose a higher sentence for these offenses already using manifest injustice, and that JRA is already releasing everyone at their minimum release date.

MOTION # 10-13 SUBMIT THE MEMO, AS REVISED, TO SENATOR HARGROVE

Moved: Hon. Dean Lum
Second: Eldon Vail
Passed: Unanimously

The Collateral Consequences Ad Hoc Committee discussed their review of the model bill. There were concerns about who would maintain the list of collateral consequences and it was suggested that the Office of Public Defense might be the best place for this to occur. The proponents of the bill had suggested that the SGC might maintain the list, but there was discussion as to how budget cuts had left the SGC unable to perform some of its existing functions, such as updating the Sentencing Guidelines Manual, and as such, should not take on additional tasks. Dave Boerner noted that the Prosecutor Standards already addressed some of this and he offered to speak with Representative Hurst regarding his request and see what additional work he would like to see from the SGC on this issue.

VI. BUDGET REDUCTION SCENARIOS

Keri walked the members through the scenarios to refresh members that were not at the last meeting. Secretary Vail noted that DOC can't do straight cuts because they were mandated to have suitable homes for certain offenders upon release. It was suggested that the commission should be looking at a change in the grid combined with a reduction in sentences. It was decided that this was best discussed after hearing the WSIPP presentation.

VII. EVIDENCE BASED COMMUNITY CUSTODY COMMITTEE

Steve Aos gave a presentation of the WSIPP Cost-Benefit Tool. The commission discussed how this method of sentence reductions coupled with reinvestment into evidence based programs designed to reduce recidivism was more palatable than straight cuts. Judge O'Connor mentioned that there was a need for further education about the principles underlying an evidence-based system.

VIII. ADJOURNMENT

Dave Boerner, Chair, adjourned the meeting at 12:10 p.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner, Chair

Date

Sandy Mullins, Executive Director

Date