



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

October 10, 2014 9am – noon

Criminal Justice Training Commission

19010 1st Avenue South Room C-214

Burien, WA 98148

Members Present:

Dave Boerner
Bernie Warner
John Clayton
Rep. Mary Helen Roberts
Rep. Brad Klippert
Russ Hauge
Lynne DeLano
Tim Wettack
Hon. Janice Ellis
Kathleen Kyle

Members Absent:

Senator Adam Kline
Sheriff Paul Pastor
Hon. Maryann Moreno
Patrick Escamilla
Hon. Stanley Rumbaugh
Hon. Catherine Shaffer
Dan Satterberg
Senator Pam Roach
John Lane

Staff:

Keri-Anne Jetzer

Guests:

Kecia Rongen, ISRB; Clela Steelhammer, DOC; Anna Aylward, DOC; Ed Vukich, CFC; Carly Kujath, DOC; Seth Fine, Snohomish County Prosecutor's Office; Sandy Mullins, Governor's Policy Office; Shelly Baldwin, WTSC

I. CALL TO ORDER

Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #14-14: MOTION TO APPROVE MEETING MINUTES

MOVED: Judge Ellis
SECONDED: Russ Hauge
PASSED: Unanimously

III. JUVENILE JUSTICE TASK FORCE UPDATE

Keri-Anne informed members that the task force had not met since the last SGC meeting. Chair Boerner asked if anyone knew if the task force had any proposals yet. Representative Klippert, who is on the task force, said that nothing has been voted on yet, but they have asked others to bring their proposals to the next meeting for possible voting.

IV. RACIAL AND ETHNIC IMPACT STATEMENT UPDATE

Chair Boerner said that the WSIPP is still working on cost figures for the racial disproportionality report. He said that when he has those, he will talk with Sandy Mullins to see if it can be incorporated into the budget.

He noted that the November meeting will be a joint meeting with the Minority & Justice Commission.

Ed Vukich presented racial category data from the CFC. He explained that the unknown category in past years is smaller due to data cleaning procedures. The five percent found in 2013 is typical of newer data and will also be reduced through data cleaning procedures. Bernie Warner asked if there is a decrease in percentages of African-Americans or is it just the re-alignment of the unknown category that causes the change? Ed replied that he did not know but would look into it. Members requested the state population totals for the racial categories too.

Bernie Warner asked if the racial categories could be broken down into prison and jail sentences. Ed said that he could break them out into prison and non-prison which would include sentencing alternatives. Representative Roberts asked if juveniles could be displayed as well.

V. DUI REVIEW

Chair Boerner asked members if there were any suggestions they felt comfortable moving forward with.

Sandy Mullins posed the question is there any impact on this group of offenders more than time in incarceration? Russ Hauge suggested possibly offering treatment to offenders within a 3-5 prior DUI range and incarcerating

those above that with the condition that they wear a bracelet or such upon releases. Rep Klippert said he has heard great stories from drug courts and knows that there is talk of DUI courts. He wondered if those have been successful with this population. Keri-Anne asked members if they would be interested in the 1st degree/2nd degree proposal she and Ed have been working on. They indicated they would, with the 1st degree for those with a history of at least 6 DUIs and open the look back period to life.

Tim Wettack suggested random sobriety check points be put on the table too because they data show them to be very effective. He added it would raise the issue in the public's mind. Shelly Baldwin said that the best practice is to combine check points with saturation patrols. Check points are cost effective, don't net a whole lot of DUIs so it doesn't increase workloads and show a 25%-35% decrease in fatal collisions and the saturation patrols are very visible.

For the chronic offender, Shelly believes that DUI courts are the best bet. There are four in the state so far and have shown positive results. The eligibility criteria are set by those who build that court. Most DUI courts deal with offenders who have 3-4 prior DUIs. The courts already have the authority they need to require and mandate treatment within a DUI court.

Russ Hauge mentioned that the issue of checkpoints has not been confronted directly and questioned why not try it? Sandy Mullins said it could be helpful to have this group weigh in on the subject.

MOTION #14-15: MOTION TO RECOMMEND THE LEGISLATURE SUPPORT SOBRIETY CHECK POINTS

MOVED: Tim Wettack
SECONDED: Russ Hauge
OPPOSED: John Clayton, Kathleen Kyle
PASSED: Approved

VI. PRISON POPULATION PROPOSALS

Chair Boerner presented some ideas he had that may help reduce prison populations and asked members for feedback.

Russ Hauge provided some information on what the Justice Reinvestment Initiative has been discussing, particularly the lack of use of community supervision along with incarceration for property offenders. He added that if incarceration is reduced, in order to reduce recidivism, the reduction needs to be coupled with supervision and programming.

Bernie Warner stated that there was a decision make to not supervise high risk property offenders. He added that an argument could be made that they are

the people turning in and out of the system so supervising them would give the state more of an opportunity to break that cycle.

Bernie mentioned that the JRI was having another meeting in December and suggested it would be helpful for the SGC members to look at sound rationale on property crimes and provide feedback on elements that are being reviewed.

Chair Boerner gave a quick overview of offender scoring rules and its history. He offered a few proposals related to certain scoring policies. Ed Vukich noted that he would be able to provide bed impacts on ideas #2, #3 and #4. He went on to say that #1 could not be calculated because they do not record dates of sentences on prior offenses.

There was also discussion about adding a mitigating factor to offender scoring.

Tim Wettack commended Chair Boerner for his work on the prison reduction proposals. Tim agrees that some offenders have earned their way into prison but he also feels that some have earned their way out of prison and reviewing those cases may be a way to help reduce the prison population.

VII. OTHER BUSINESS

Ed Vukich asked the members for feedback on some sentencing anomalies the Caseload Forecast Council has come upon.

VIII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date