



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION**

**MINUTES**

**December 11, 2015 9:00am – 12:00pm**

Criminal Justice Training Commission

19010 1<sup>st</sup> Avenue South Room C-101

Burien, WA 98148

Members Present:

Dave Boerner  
Kathleen Kyle  
Sandy Mullins  
Jennifer Albright  
Hon. Stanley Rumbaugh  
Tim Wettack  
Hon. Roger Rogoff  
Sheriff Paul Pastor  
Kimberly Gordon  
John Clayton (Bonnie Glenn proxy)  
Hon. Catherine Shaffer  
Rev. Terri Steward  
Dan Pacholke

Members Absent:

Hon. Maryann Moreno  
Jon Tunheim  
Patrick Escamilla  
Kecia Rongen  
Dan Satterberg  
Rep. Brad Klippert  
Rep. Sherry Appleton  
Senator Cyrus Habib  
Senator Pam Roach

Staff:

Keri-Anne Jetzer

**I. CALL TO ORDER**

Dave Boerner, Chair, called the meeting to order.

**II. APPROVAL OF MINUTES**

**MOTION #15-10: MOTION TO APPROVE MEETING MINUTES  
FROM JUNE AND NOVEMBER 2015 WITH  
CHANGE**

**MOVED:** Judge Shaffer  
**SECONDED:** Judge Rumbaugh  
**PASSED:** Unanimously

Change: Adding Dan Satterberg to the attendee list instead of showing proxy.

### **III. SECOND LOOK PROPOSAL**

Chair Boerner said he spoke with Jon Zulauf, who participated in the Second Look workgroup, who has some language to present. He added the proposal isn't ready for bill form just yet and that he didn't think the Commission was ready to vote.

Dan Pacholke commented that he sees a complication with the proposal. It makes an assumption that people with that kind of time structure have access to programming today. They do not, primarily because DOC has to focus their programmatic resources on those who are most likely to be released. He suggested adding a caveat that, at some point before their review, offenders would have an opportunity to participate in needed programs. Judge Shaffer inquired if there would be a fiscal impact for the programming and forensic evaluations and Dan replied there would and he could provide some information on the 3-strike population to the members.

Judge Shaffer commented that she is supportive of the 3-strikes population for the proposal. Several other members agreed.

The members talked about possible sponsorship for the bill. Chair Boerner noted that Senator Darnielle has supported a similar proposal in the past. Someone suggested talking with Senator Roach as she is an SGC member.

In speaking to attorneys who have represented people through the clemency process Chair Boerner noted that they are willing to try to work with the Bar Association to develop a panel of lawyers who will take these cases because people will need assistance in presenting their case.

Sandy Mullins mentioned that the ISRB members' backgrounds are more conducive to dealing with sex offenders, which is still a large portion of the cases they see, however, the other cases they have are complex in a different way. She wondered if there was a rationale for having someone with a judicial experience to review these non-sex cases. This might be the avenue to take to review a broader population in the future.

Chair Boerner said he would work with Jon Zulauf before the next meeting to come up with another draft of the population.

### **IV. IMPROVING RESIDENTIAL DOSA BILL [SHB 1569](#)**

Keri-Anne informed members that Jon Tuheim is speaking to WAPA members today about the addition of judicial discretion language being added to this bill. Hopefully, next meeting he would be able to provide insight as to their interest in that suggestion.

- V. RACIAL AND ETHNIC IMPACT STATEMENTS BILL [SSB 5752](#)**  
Judge Shaffer told members that Senator Hasegawa is going to re-introduce this bill in the 2016 legislative session. The Senator has asked for the SGC's support, which he has, and to get in touch with those in opposition to this bill. Judge Shaffer is working on getting a list of who the opposition is. Chair Boerner said he would follow-up with the Senator.

Judge Shaffer added that getting letters of support from the other organizations would be helpful as well.

- VI. CERTIFICATE OF RESTORATION OF OPPORTUNITIES BILL [SHB 1553](#)**

- VII. CONCERNING LEGAL FINANCIAL OBLIGATIONS BILL [HB 1390](#)**  
Judge Shaffer provided members some background information on recent research in WA on legal financial obligations. She also talked about the bill from Rep. Goodman last session that the Minority & Justice Commission supported related to legal financial obligations.

Members discussed the victims' compensation fund that is administered by LNI. Sandy Mullins suggested a subcommittee work on this and/or have someone from LNI present to provide insight as to who can get what from the fund. She added that Columbia Legal Services and the ACLU have done a lot of work on this subject. Members were interested in learning where the LFO funds are distributed.

LFO Workgroup

Judge Shaffer	Bonnie Glenn	Kim Gordon
LNI	ACLU	Columbia Legal Services
OCVA (Richard Torrance)		

Dan Pacholke suggested the use of a common definition of who is considered indigent as applies to LFO payments. Members discussed the issues around that.

- VIII. LEGISLATIVE SUB-COMMITTEE**

- IX. OTHER BUSINESS**

Bonnie Glenn spoke on behalf of John Clayton about the information on guiding principles that he emailed members. Members agreed to add this to the agenda for the next meeting.

Chair Boerner suggested the Tukwila Community Center as a location that may work for Commission meetings as it is centrally located and has conference call capabilities. Keri-Anne said she would look into it.

**X. ADJOURNMENT**

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Dave Boerner, Chair

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Date