



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

SENTENCING GUIDELINES COMMISSION

MINUTES

December 9, 2016 9:00am – 12:00pm

Criminal Justice Training Commission

19010 1st Avenue South Room C-202

Burien, WA 98148

Members Present:

Russ Hauge

Kimberly Gordon

Richard Morgan (Clela Steelhammer proxy)

John Clayton (David Griffith proxy)

Jennifer Albright

Jon Tunheim

Tim Wettack

Sonja Hallum

Hon. Stanley Rumbaugh

Rep. Brad Klippert

Sheriff Paul Pastor

Senator Cyrus Habib

Dan Satterberg

Hon. Roger Rogoff

Rev. Terri Steward

Hon. Maryann Moreno

Senator Pam Roach

Kecia Rongen

Hon. Catherine Shaffer

Rep. Sherry Appleton

Kathleen Kyle

Guests:

Dave Boerner

Keith Swenson, Governor's Office

Tom Palmersheim

Staff:

Keri-Anne Jetzer

Members Absent:

I. CALL TO ORDER

Russ Hauge, Chair, called the meeting to order. At the request of Chair Hauge, out-going Chair Dave Boerner shared a few words. Keith Swenson, the Director of Boards and Commissions, read a letter from Governor Inslee to Dave thanking him for his many years of service on the Commission. Chair Hauge then asked everyone to introduce themselves.

Chair Hauge provided members with an update on what he has been doing since he left his post as a Washington Association of Prosecuting Attorney's (WAPA) representative on the Commission and offered his vision for the

future of the Commission. He asked members if there were any questions or concerns.

Judge Rumbaugh noted that many property crimes are driven by drug addiction and suggested the Commission could focus on that issue. He also noted the importance of post-GED educational opportunities for prison inmates and suggested that as a topic the Commission might give attention.

Tim Wettack commended DOC for discontinuing the use of the word “offender” and requested that the Commission do the same. Chair Hauge proposed that if a better term can be suggested, he’s willing to use it.

II. APPROVAL OF MINUTES

Minutes were not approved as a quorum was not available.

Kim Gordon made a suggestion to the minutes. She noted that at the end of the DOC discussion, DOC had offered to reach out to Senator Padden regarding the Commission’s interested in taking on the sentencing complexity review of the proposed task force. Keri-Anne noted the addition and will make the change for next meeting.

III. SECOND LOOK 3-STRIKES PROPOSAL – Update

Dave Boerner provided members with an update on the draft proposal. He said that Jon Zulauf has arranged a meeting with Rep. Goodman and, while he would not be speaking for the Commission, Dave offered to accompany him and provide history that led to the Second Look 3-strikes proposal. Dave went on to say that Tim Wettack has had contact with some members of the House on the republican side who expressed some interests in a mechanism to deal with such cases. He noted that when sentencing reform has passed in Washington it was with bi-partisan support.

Judge Rumbaugh reminded members that he and Dan Satterberg presented the proposal to Rep. Goodman’s committee last session and received a favorable reception. He said that he would like to be able to take the proposal to his organization for comment. Jon Tunheim mentioned that WAPA has a legislative committee meeting next week and he thinks the proposal is one of the discussion items. He guessed that many of the prosecutors will likely have concerns about how broad the proposal is. Kim Gordon said she, too, would like to get an update from WACDL/WDA on their position, although she thought they were in support of it previously.

Chair Hauge asked Clela if she had any sense on how big the population of offenders is for the proposal. Clela replied that there were about 280 serving a persistent offender sentence, however, that does not remove the aggravated murder and sex offenses or those who have served less than 20 years. She noted that DOC provided data for the subcommittee and offered to update that

data. Chair Hauge requested data including aggravated murder and sex offenses, too. Kim Gordon wondered if it would be possible to get that out to the members as soon as possible so they could use it when discussing the proposal with their organizations. Clela thought it would be helpful to have a fiscal estimate so members aren't caught off guard that there will be at least an initial cost. Chair Hauge would like to see the data and fiscal estimate as soon as possible to help gauge the likelihood of acceptance by the legislature.

Tim Wettack noted that Sheriff Pastor from Washington Association of Sheriffs and Police Chiefs was not in attendance. Chair Hauge said he would call Sheriff Pastor and/or Mitch Barker before the next meeting to get their feedback.

Chair Hauge requested that members contact him as soon as they hear back from their organizations so that the next meeting agenda can be set.

IV. SENTENCING COMPLEXITY

Keri-Anne briefed members that the end result of last meeting's discussion.

Judge Rumbaugh reminded members that the DOC was going to bring to the Commission a list of issues that would be most beneficial to review, such as a uniform Judgement and Sentence forms (J&S).

Members talked about the J&S forms. Chair Hauge believed that the SGC could make changes to the J&S form rather easily which would make it uniform and usable. Judge Rumbaugh suggested including experienced appellate attorneys from both the prosecutorial and defense side. Clela said that DOC is looking at this issue as well as an agency request bill, and should be able to bring something to the next meeting.

In summary, Chair Hauge said he sees the complexity problem having two major issues: the need for uniform J&S forms and the need for a review of Washington's sentencing system.

Dave Boerner informed members that the original Commission members had great difficulty crafting guidelines for the multiple crimes issue. Another factor original members struggled with was how to figure in prior criminal history.

Clela noted that HB 2713 (2008) was a sentencing reform act simplification bill that didn't go anywhere but might offer some help.

Chair Hauge informed members that the SGC will be holding in-person meetings from now on in order to work on these issues.

V. LEGISLATIVE SUBCOMMITTEE

Jon Tunheim and Judge Moreno offered to be on the subcommittee again and Kim Gordon is going to take over for Kathleen Kyle.

VI. UPDATE BY-LAWS

Keri-Anne said the changes to the bylaws are only to update outdated RCWs and remove references of the executive director. Because a quorum was not available, the changes will be discussed at the next meeting. Keri-Anne also said that she will have them posted on the website.

VII. OTHER BUSINESS

a. Reentry Council Update

Keri-Anne informed members that the Council has a draft report they are working on and she will forward that once it has been finalized. She also let members know of certain recommendations the Council is including in their report.

b. Task Force Against the Trafficking of Persons

Keri-Anne reported that she will be attending the Task Force meeting scheduled next week. They also have a draft report they are working on and she will distribute that when it is published.

c. Racial and Ethnic Impact Statement Recommendation

Keri-Anne said the Caseload Forecast Council is getting ready to finalize their draft report to the legislature. Once it has been submitted, she will send a copy to members.

Keri-Anne asked members if they would like to meet in Olympia while the legislature is in session. Members were agreeable to that. She is looking for a location off campus to hold two of the meetings. Jon Tunheim suggested the conference room in the Thurston County Courthouse as an option.

Tim Wettack asked when the new legislative members would be known. Keri-Anne said that she will be submitting a request to the President of the Senate.

VIII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date